

**REQUEST FOR APPLICATION # TCS-01-104**  
**LOCAL ENFORCEMENT OF TOBACCO CONTROL LAWS**

**APRIL 19, 2001**



**CALIFORNIA DEPARTMENT OF HEALTH SERVICES**  
**TOBACCO CONTROL SECTION**

**P.O. Box 942732, MS #555**  
**SACRAMENTO, CA 94234-7320**  
**(916) 327-5425**

**<http://www.dhs.ca.gov/tobacco>**

**DEPARTMENT OF HEALTH SERVICES**

714/744 P STREET  
P.O. BOX 942732  
SACRAMENTO, CA 94234-7320  
(916) 327-5425



April 19, 2001

TO: Prospective Applicants

SUBJECT: REQUEST FOR APPLICATION (RFA) # TCS-01-104

Attached is RFA # TCS-01-104 entitled “**Local Enforcement of Tobacco Control Laws.**” The purpose of this RFA is to seek applications from qualified California law enforcement agencies or other organizations with code enforcement authority to conduct local enforcement of state and local tobacco control laws. California state governmental agencies are not eligible to apply.

Agencies selected will be funded to perform enforcement duties related to tobacco control laws within their local communities, townships, counties, cities, or other relevant jurisdictions. Research has demonstrated that increasing compliance with these laws further protects youth and adults from tobacco addiction and health hazards related to secondhand smoke.

The RFA specifies eligibility, submission requirements, and tentative timelines. Please read the RFA carefully; as this is an open competitive process and applications must comply with all instructions in order to be reviewed. **Applications are due in the California Department of Health Services, Tobacco Control Section (CDHS/TCS) office on Wednesday, May 30, 2001, no later than 5 p.m.**

The complete RFA and all required forms are also available on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco>. In addition, the Policy Section of the *CDHS/TCS Competitive Grantees Administrative and Policy Manual* is available on the website to assist potential applicants in preparing their applications.

If your organization is eligible and interested in applying for funds, it would be beneficial to attend the scheduled Bidders' Conference. Please bring a copy of the RFA with you to the conference. Answers to questions about the RFA will only be provided at this conference. Phone calls for programmatic technical assistance in preparing the application **will not** be accepted.

Prospective Applicants  
Page 2  
April 19, 2001

**BIDDERS' CONFERENCE:**

**Wednesday, May 2, 2001  
9 a.m. – 12 p.m.  
Continental Plaza Auditorium  
601 North 7<sup>th</sup> Street  
Sacramento, CA 95814**

If anyone attending the Bidders' Conference requires special accommodations for the hearing impaired, please call Lori Loftis at (916) 324-3919 by April 24, 2001. Also, Letters of Intent are due to CDHS/TCS on Thursday, May 17, 2001, by 5 p.m.

Dileep G. Bal, M.D., Chief  
Cancer Control Branch

Enclosure

cc: Local Lead Agencies  
Regional Community Linkage Projects  
Ethnic Networks  
Competitive Grantees

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## I. INTRODUCTION

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### A. Purpose

The purpose of this Request for Application (RFA) is to seek applications from qualified California law enforcement agencies or other organizations with code enforcement authority to conduct local enforcement of state and local tobacco control laws. Research has demonstrated that increasing compliance with these laws further protects youth and adults from tobacco addiction and health hazards related to secondhand smoke.

The California Department of Health Services, Tobacco Control Section (CDHS/TCS) has previously been unable to fund enforcement activities because Proposition 99 did not provide authority for the Health Education Account Funds to be spent in this manner. Local governments have been responsible for designating funding for enforcement activities related to state and local tobacco control laws. However, with the recent influx of funding from the tobacco settlement agreement, which does not carry these same limitations, CDHS/TCS is now able to support local enforcement entities in their endeavors to enforce tobacco control laws.

### B. Background

In November 1988, California voters approved the Tobacco Tax and Health Promotion Act of 1988 (Proposition 99) which added a 25-cent tax to each pack of cigarettes sold in the state. In recent years, additional taxes have also been added, bringing the total taxation to 87 cents per cigarette pack. These tobacco taxes are earmarked for tobacco-related research, health care, and health education.

The health education campaign launched by CDHS/TCS focuses on a community norm change approach by emphasizing altering the environment in which we live. By improving the social environment, communities create an atmosphere that promotes behavior and attitude changes regarding tobacco use and tobacco promotion. To implement this innovative approach, CDHS/TCS funds local health departments (local lead agencies), competitively selected state, regional, and community-based projects, a state media campaign, and an extensive evaluation of the entire tobacco control program.

There are two primary statewide tobacco control laws currently in place which control exposure to secondhand smoke and youth access to tobacco and that are enforced at the local level. Labor Code (LC) Section 6404.5, also known as California's Smoke-free Workplace Law, went into effect in 1995 and prohibits smoking in most public places of employment, including bars and restaurants. Penal Code (PC) Section 308(a) and (b) prohibits minors from purchasing, receiving or possessing tobacco products. The Wave II Independent Evaluation of California's tobacco control program indicated that the majority of law enforcement agencies are enforcing PC 308(b) nearly twice as often as PC 308(a). In 1998, only 38 percent of law enforcement agencies surveyed stated they conducted merchant stings and only 66 percent of enforcement agencies reported issuing at least one

citation to a merchant for illegal tobacco sales. In contrast, 88 percent of law enforcement agencies reported they had issued at least one citation to minors for possession of tobacco. This imbalance is of concern since research has **not** shown that youth citations for tobacco product possession are an effective prevention method. However, multiple studies over the past decade have demonstrated that unannounced retailer stings are the most effective activity to reduce the rate of illegal tobacco sales to minors. Therefore, enforcement of the youth possession portion of PC 308(b) will not be funded through this RFA. See Appendix A for a copy of LC 6404.5 and Appendix B for a copy of PC 308.

A third state law, Business and Professions Code Section 22952, the Stop Tobacco Access to Kids Enforcement (STAKE) Act, is administered by the California Department of Health Services, Food and Drug Branch (FDB). The STAKE Act contains several provisions which require: 1) the FDB conduct ongoing retailer compliance checks for tobacco sales and assess civil penalties; 2) age-of-sale signs be posted at the point of sale; 3) tobacco wholesalers and distributors report annually to CDHS/TCS the names of retailers to whom they supply tobacco; and 4) an annual scientific survey be conducted that assesses the statewide illegal tobacco sales rate. Statute allows local enforcement of the STAKE Act when agencies enter into a contract directly with the FDB and implement the program pursuant to STAKE Act guidelines. Currently there are insufficient funds for the FDB to contract with local agencies for STAKE Act enforcement.

In addition to these statewide laws, there are a myriad of local tobacco control ordinances. Most commonly, they restrict indoor and outdoor tobacco advertising, restrict outdoor smoking, require licenses or permits to sell tobacco, restrict self-service tobacco displays, and restrict tobacco sampling. Enforcement for these types of local tobacco control ordinances is applicable under this RFA.

### **C. Problem Statement**

Reduction of exposure to secondhand smoke since the passage of LC 6404.5 has been tremendous. In 1998, 90 percent of adults reported no secondhand smoke exposure at work. Additionally in 1998, 75 percent of bar patrons who smoke reported that they do not smoke in the indoor areas of bars; in 2000, that number increased to 86 percent. While these numbers are encouraging, the level of active enforcement, particularly in bars, remains sporadic. While the majority of enforcement agencies issue warnings to bars, few issue citations. In 2000, the estimated compliance rate in stand-alone bars was only 65 percent. Rural counties are encountering the greatest obstacles to enforcement, with the lowest perceived levels of compliance and the highest perceived levels for lack of support among the community and leaders. Fortunately, those agencies that collaborate with other community groups have increased enforcement efforts.

A recent survey of California key opinion leaders showed that 82 percent believe that businesses that do not comply with the smoke-free law for bars and restaurants should be fined. Also, almost 70 percent agree that people who are caught smoking in bars and restaurants should be fined.

Illegal tobacco sales to minors continues to be a problem, as well. Even though overall California illegal tobacco sales have dropped from 52.1 percent in 1994 to 12.8 percent in 2000, in 1999 54.8 percent of 10<sup>th</sup> graders reported that it was easy for them to buy or obtain tobacco from stores. Furthermore, some surveys conducted within local county or city jurisdictions have shown illegal sales rates to be as high as 25 percent to over 40 percent. The greatest offenders of illegal tobacco sales are non-traditional tobacco retailers, such as donut shops, followed by convenience stores, gas stations, and liquor stores.

Between 1996 and 1998, citing youth for tobacco possession increased dramatically from 60 percent to 88 percent. However, the overall percentage of agencies conducting retailer compliance checks increased only marginally from 35 percent to 38 percent. It was also reported that local agency officials were more likely to direct resources toward enforcement operations if they perceived that youth tobacco access was a serious problem, if there were fewer barriers to conducting enforcement, and/or if there was high collaboration with other groups working on tobacco access reduction in the community.

These statistics paint interesting details of the research history. However, most importantly, it has been strongly demonstrated through practical application, longitudinal tracking, and field studies that the continued presence of enforcement is the most effective means for ensuring compliance with tobacco control laws.

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## II. GENERAL GRANT APPLICATION INFORMATION

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### A. Who May Apply

1. California public non-profit organizations who retain code enforcement authority over Labor Code 6404.5, Penal Code Section 308, or local tobacco control ordinances are eligible to apply for these funds. Applicants are required to attach a copy of the statute or other document that grants authority to the applicant to enforce the tobacco control laws in the proposed application. California state governmental agencies are not eligible to apply.
2. Agencies may apply for funding to enforce multiple tobacco control laws in multiple jurisdictions; however, funding for multiple enforcement operations is not guaranteed. Award decisions will be based on a demonstrated need for enforcement activity and current efforts in that geographical area.
3. Agencies applying to enforce local tobacco control ordinances need to demonstrate that enforcement procedures and penalty structures are in place and operational.

### B. Grant Period and Funding Levels

1. Approximately \$7 million is expected to be available for this RFA for the entire term, which will fund competitive grants from appropriations in fiscal years (FY) 2001-02, 2002-03, and 2003-04. Funding is contingent on the availability of anticipated additional FY 2001-2002 and subsequent fiscal years funding. The actual funding level for each FY will be known when the Governor signs the State Budget. There is no guarantee that funding will be available.
2. Funds awarded from this RFA shall not be used to supplant any existing position funding or expenditures; but are to be used to establish, increase, or enhance existing enforcement activities of local and state tobacco control laws.
3. Grant awards are for a 33-month period beginning October 1, 2001 and ending June 30, 2004. **Applications must be for the entire 33-month period.** CDHS/TCS will have the option of renewing the grant for an additional two years if funds are available and the grantee has performed to the satisfaction of CDHS/TCS.
4. Grant awards are expected to average a total of \$25,000 to \$300,000 for the entire grant period depending upon the quality and quantity of enforcement operations proposed.
5. CDHS/TCS reserves the right to fund any or none of the applications submitted in response to this RFA. CDHS/TCS may also waive any immaterial deviation in any application. The CDHS/TCS waiver of any immaterial defect(s) shall not excuse an application from full compliance with the contract terms if a contract is awarded.



6. CDHS/TCS reserves the right to withdraw any award if an acceptable Enforcement Activities Plan, Budget, Budget Justification, and other CDHS/TCS required forms are not received by CDHS/TCS within 45 calendar days of being negotiated by CDHS/TCS and the awardee.
7. CDHS/TCS reserves the right to withdraw any award or negotiate the Enforcement Activities Plan of any proposed projects or proposed project components.
8. Expenses associated with preparing and submitting an application are solely the responsibility of the applicant agency and will not be reimbursed by CDHS/TCS.

### C. In-Kind Contributions

Agencies funded by this RFA are required to provide in-kind contributions on a 4 to 1 basis, i.e., for every \$4 awarded, the successful applicant must provide \$1 of in-kind services. For example, an agency that receives an award amount of \$30,000 would be required to provide in-kind services equal to \$7,500.

### D. Application Submission Requirements

By submitting an application, all applicants agree that CDHS/TCS is authorized to verify any and all claimed information and to verify any references named in the application. All applications received by CDHS/TCS are subject to the provisions of the "California Public Record Act" (Government Code Section 6250 et seq.) and are not considered confidential after completion of the selection process.

#### 1. Letter of Intent

For the purpose of planning the review process, all prospective applicants are to submit a letter notifying CDHS/TCS of the intent to submit an application. **One (1) signed letter of intent should be sent by 5 p.m., Thursday, May 17, 2001.** The letter of intent must be submitted on the applicant's letterhead and state the following: the name and number of the RFA under which the application will be submitted, the estimated budget request, and the tobacco control law(s) intended for enforcement. E-mail documents will not be accepted. Mail or fax the letter of intent to:

Tobacco Control Section  
ATTN: Lori Loftis  
California Department of Health Services  
P.O. Box 942732, MS #555  
Sacramento, CA 94234-7320  
FAX # (916) 327-5424

Clearly indicate "**Local Enforcement of Tobacco Control Laws RFA # TCS-01-104**" on the outside of the mailing envelope or FAX transmittal sheet.

## 2. Application

Submit one signed original (clearly marked "original"), six (6) copies of the entire application, and six (6) additional copies of the narrative. Clearly indicate "**Local Enforcement of Tobacco Control Laws RFA # TCS-01-104**" on the outside of the mailing envelope. **Applications must be received by 5 p.m., Wednesday, May 30, 2001, at CDHS/TCS.**

- FAX and E-mail documents will not be accepted. It is the sole responsibility of the applicant to ensure that CDHS/TCS receives the required number of copies of the application by the above deadline. No exceptions will be made.
- A late or an incomplete application will be considered non-responsive and will not be reviewed for funding.
- No changes, modifications, corrections, or additions may be made to the application once it is received. No exceptions will be made.

Deliver completed applications to CDHS/TCS:

U.S. Postal Service (USPS) Delivery Address: If you submit an application through the USPS, either regular or priority mail, send the package to the following address: **(Private shipping companies DO NOT deliver to this address)**

Tobacco Control Section  
ATTN: Diane Hightree  
California Department of Health Services  
P.O. Box 942732, MS #555  
Sacramento, CA 94234-7320

"Local Enforcement of Tobacco Control Laws"  
RFA # TCS-01-104

Hand Delivery or Private Shipping Company Address: If you deliver in person or submit an application using a private shipping company (e.g., UPS or FedEx) use the street address below. **The U.S. Postal Service WILL NOT deliver ANY mail to the street address, including priority mail.**

Tobacco Control Section  
ATTN: Diane Hightree  
California Department of Health Services  
601 North 7th Street, MS #555  
Sacramento, CA 95814

"Local Enforcement of Tobacco Control Laws"  
RFA # TCS-01-104

For directions, access the CDHS/TCS website at <http://www.dhs.ca.gov/tobacco>

### 3. RFA Bidders' Conference

An RFA Bidders' Conference is scheduled for the purpose of answering questions directly related to the RFA requirements.

**BIDDER'S CONFERENCE**  
**Wednesday, May 2, 2001**  
**9 a.m. – 12 p.m.**  
**Continental Plaza Auditorium**  
**601 North 7<sup>th</sup> Street**  
**Sacramento, CA 95814**

## E. Application Review Process

### 1. Review for Compliance with Mandatory RFA Requirements

Applications will be date and time stamped upon receipt at CDHS/TCS. Each application received by CDHS/TCS by 5 p.m. on Wednesday, May 30, 2001, will be reviewed for compliance with the requirements provided in this document. Applications that do not comply with the requirements will be considered non-responsive and will be excluded from the review. Omission of any required document or form, failure to use required formats for response, or failure to respond to any requirement may lead to rejection of the application prior to the review. CDHS/TCS may waive any immaterial deviation in any application. **LATE, INCOMPLETE, OR NON-COMPLIANT APPLICATIONS WILL BE REJECTED.**

### 2. Application Review

Each application that complies with the mandatory requirements will be evaluated and scored by a review committee on a scale of 0 to 100 points. Applications receiving a score of 75 points or more will be considered for funding; however, due to potential funding limitations, there is no guarantee that scoring above 75 will result in funding or funding at the level requested.

The maximum point value of each section is as follows:

Narrative	20 points
Coordination	5 points
Applicant Capability	15 points
Enforcement Activities Plan	30 points
Budget and Budget Justification	20 points
In-Kind Contribution Form	5 points
Enforcement Activities Expenses Form	<u>5 points</u>
	100 points

### 3. Notification of Decision

Each applicant, whether selected for funding or denied, will be notified in writing of the funding decision. Applicants may receive, upon written request directed to CDHS/TCS, the consensus review tool summary page for their application which provides the score and overall strengths and weaknesses of their application.

### 4. Contract Negotiation

Following the award notification, contract negotiations will occur with the potential contractor in a timely manner. CDHS/TCS reserves the right to reject any proposed project(s) or project component(s). Following contract negotiations, the contractor is required to submit the Enforcement Activities Plan, Budget, and Budget Justification in accordance with CDHS/TCS requirements, which will become part of the formal grant. Upon completion and approval of these documents, the grant will be fully executed and work will commence.

### F. Appeals Process

Only those agencies that submit an application consistent with the requirements of this RFA and are not funded may appeal. There is NO appeal process for applications that are submitted late or are incomplete. Applicants may not appeal their funding level. Letters appealing the final application selection must be received **no later than 5 p.m. on Monday, July 5, 2001, at the address indicated below.** E-mail transmitted documents WILL NOT BE ACCEPTED. Appeals shall be limited to the grounds that CDHS/TCS failed to correctly apply the standards for reviewing your agency's application in accordance with this RFA. The appellant must file a written appeal, which includes the issue(s) in dispute, the legal authority or other basis for the appellant's position, and the remedy sought. Incomplete appeals will be rejected. Appeals must be mailed or faxed to:

Donald O. Lyman, M.D., Chief  
Division of Chronic Disease and Injury Control  
Department of Health Services  
P.O. Box 942732, MS #504  
Sacramento, CA 94234-7320  
Fax number: (916) 327-5424

At his sole discretion, the Chief of the Division of Chronic Disease and Injury Control or his designee may hold an appeal hearing with each appellant and then come to a decision, either based on the combination of the written appeal letter and the evidence presented at the hearing, or based on the written appeal letter if no hearing is conducted. The decision of the Chief of the Division of Chronic Disease and Injury Control or his designee shall be final. There is no further administrative appeal. Appellants will be notified of decisions regarding their appeal in writing within fifteen (15) working days of their hearing date or the consideration of the written appeal letter, if no hearing is conducted.

## **G. Tentative Timelines**

April 19, 2001	Release of RFA
May 2, 2001	Bidders' Conference in Sacramento 9 a.m. – 12 p.m.
<b>May 17, 2001</b>	<b>Letters of Intent due no later than 5 p.m.</b>
<b>May 30, 2001</b>	<b>Applications due no later than 5 p.m.</b>
June 26, 2001	Award decisions announced
<b>July 5, 2001</b>	<b>Appeals due no later than 5 p.m.</b>
July 18 - 19, 2001	Appeal Hearings
October 1, 2001	Contract period begins
June 30, 2004	Contract period ends

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### III. ADMINISTRATIVE AND PROGRAM EXPECTATIONS

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#### A. Administrative Expectations

1. Grantees (funded agencies) are to expend funds in accordance with the negotiated line item budget. If changes in line items, salary ranges, or staffing patterns need to be made, the grantee must request a budget revision or a grant amendment depending on what in the budget needs to be changed. It is up to the discretion of CDHS/TCS whether or not to approve the requested budget revision or grant amendment.
2. Grantees are reimbursed in arrears for actual expenses, which means the agency incurs expenses and is then reimbursed by CDHS/TCS. The grantee submits a monthly invoice for expenses incurred in the previous 30 days and then the State has up to 45 days to pay the approved invoice. This means that the grantee must be able to cover at least 45 to 60 days' worth of project expenses prior to reimbursement from the State. Additionally, grantees are to submit invoices to CDHS/TCS in a timely manner to ensure: 1) prompt payment of expenses, and 2) cash flow maintenance.
3. The agency must be aware that it is legally bound to deliver the services as stated in the Enforcement Activities Plan. If changes need to be made, the grantee must contact CDHS/TCS to discuss the issue and request an Enforcement Activities Plan revision or a grant amendment. It is up to the discretion of CDHS/TCS whether or not to approve the request. **If grant deliverables, including tracking system reports, are not completed satisfactorily, CDHS/TCS has the authority to withhold and/or recover payment of funds.**
4. Grantees are to maintain accounting records that reflect actual expenditures, including, but not limited to: accounting books, ledgers, documents, payroll records, including signed timesheets, etc., following standard accounting procedures and practices that properly reflect all direct, indirect, and in-kind expenses related to this grant. These records shall be kept and made available for three (3) years from the date of the final grant payment.
5. Grantees are to obtain an annual single organization-wide financial and compliance audit. CDHS/TCS will reimburse the grantee for its proportionate share of the audit expense.
6. Grantees are required to obtain prior approval from CDHS/TCS before they are reimbursed for any purchase order, subcontract, or consultant agreement costing \$5,000 or more. Three (3) competitive bids may be required as well as other documentation of the bid process. The proposed subcontract or consultant agreement must be submitted to CDHS/TCS for approval prior to reimbursement of such expenses.

7. Grantees are to be aware that travel and per diem rates must not exceed those amounts paid to State non-represented employees. Refer to Appendix C for travel reimbursement rates. Additionally, out-of-state travel is not reimbursable without prior written approval by CDHS/TCS.
8. Grantees and all subcontractors should be aware that the State shall be the owner of all rights, title, and interest in, but not limited to, the copyright to any and all Works created, produced, or developed under a grant funded from this RFA, whether published or unpublished. Appendix D contains the specific language that will be incorporated into the boilerplate language of the grant funded by CDHS/TCS. If successful in your application, you must comply with the copyright and ownership of materials language. Review Appendix D carefully. Changes to this language will **not** be negotiated at any time during the RFA process nor with the funded applicant.
9. Grantees will be required to maintain accurate documentation of the in-kind contributions provided and accurately report them on the CDHS/TCS tracking system.
10. Grantees are to be aware that CDHS/TCS may withhold payment of invoices for lack of documented and/or timely progress, as well as any apparent non-compliance with contract requirements.

## **B. Program Expectations**

1. Grantees will be required to submit tracking system reports every six months that summarize the number and geographic location of compliance checks completed and the outcome. A Microsoft Access database will be designed to allow electronic submittal of these reports to CDHS/TCS.
2. Grantees will be required, within the first 90 days of the contract, to attend trainings on enforcement of LC 6404.5 and PC Section 308. The Labor Code training will be coordinated by CDHS/TCS in conjunction with designated law enforcement trainers. The Penal Code training is certified by Peace Officers Standards and Training (POST). Exceptions will be made for grantee staff who can demonstrate that they previously attended these trainings.
3. Grantees will be required to conduct compliance checks related to LC 6404.5 and PC 308 and other relevant tobacco control laws in accordance with uniform protocols. Some of the protocols include:
  - a. Youth operatives attempting to purchase tobacco must be between the ages of 15- to 17-years-of-age, properly trained and supervised.
  - b. Adequate documentation will be required for recording information during compliance check operations.
  - c. Operations will concentrate on issuing citations, rather than issuing warnings, to increase the deterrent effect.
  - d. Operations will be conducted at optimal violation times (e.g. during lunch, after 3 p.m., and weekends for illegal tobacco sales; after 7 p.m. for Labor Code violations).

- e. Operations shall be conducted in a manner which minimizes retail/business “tip off” activities.
- f. Visit bars or tobacco retail outlets more than once; especially if violations are issued during the first check.
- g. Violations issued to businesses must include an owner notification procedure if the citation was issued to an employee or non-owner of the establishment. This must take place after the undercover operation is completed.
- h. Youth operatives shall appear and act as typical youth attempting to purchase tobacco, including their responses to questions regarding age or identification.
- i. Advance notice to businesses regarding scheduled compliance checks is not permitted.

Further information regarding protocols can be found in Appendix E and will be discussed with grantees during the contract negotiation process and the mandatory CDHS/TCS trainings.

- 4. Grantees will need to establish a minimum and maximum number of compliance checks that will be conducted for each six-month reporting period. This is to ensure that there is law or code enforcement presence in the community on a regular basis, which increases the likelihood of ongoing compliance. The minimum and maximum amounts for each grantee will be negotiated with CDHS/TCS and tracked through the CDHS/TCS database system.
- 5. Grantees will need to document and maintain accurate records of compliance checks completed, both those funded by this RFA and those provided in-kind, by tracking activities and accurately reporting them on the CDHS/TCS tracking system (Microsoft Access) database.
- 6. CDHS/TCS may withhold or recover funds for unmet deliverables. At the end of the grant term, CDHS/TCS will determine whether or not the Grantee’s deliverables, such as compliance checks and progress reports, have been completed satisfactorily and/or in their entirety. The pro-rata portion of the unmet deliverable will be applied toward the overall grant award and may result in either CDHS/TCS withholding funds from the final payment and/or recovering funds from the Grantee.

### **C. What Will Not Be Funded**

The following will not be funded:

- 1. Enforcement operations that cite youth for tobacco possession under Penal Code 308(b) or local ordinances. Please refer to the explanation provided in paragraph B., Background on Page 1 of this RFA.
- 2. Costs related to prosecuting violations. This RFA is designed to fund enforcement operations only and **not** the subsequent costs incurred beyond issuance of a citation.
- 3. Enforcement of local tobacco control ordinances that do not contain clear enforcement procedures and penalty structures that are in place and operational.



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## IV. APPLICATION INSTRUCTIONS

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### A. General Instructions

1. **READ ALL INSTRUCTIONS CAREFULLY.** Be sure to include all of the information required in this RFA, including all attachments and copies. Re-check the application to ensure completeness.
2. **DO NOT PROVIDE ANY MATERIALS THAT ARE NOT REQUESTED.** Any materials submitted that are not requested under this RFA will be discarded prior to application review, including pages that go over the maximum number in specified sections with page limitations.
3. Number each page of the application consecutively.
4. The type font size is to be no less than 12 characters per inch.
5. Do not use folders and binders; securely staple the application in the upper left corner.
6. Clearly indicate "Local Enforcement of Tobacco Control Laws RFA # TCS-01-104" on the outside of the mailing envelope.
7. Attachments 1, 6, 7, 8, and 9 require a signature by the person authorized to legally bind the applicant agency to the commitment outlined in the application. **Allow time to obtain these required signatures.**
8. Present the components of the RFA in the order listed below using the instructions provided on subsequent pages to complete each area.
  - a. Application Cover Sheet (Attachment 1)
  - b. Application Checklist (Attachment 2)
  - c. Table of Contents (Attachment 3)
  - d. Narrative (No Attachment) **6-page maximum**
  - e. Coordination
    - ☞ 1) Communication with CDHS/TCS Local Lead Agency Form (Attachment 4)

- f. Applicant Capability (No Attachment) **4-page maximum** (not including Letters of Reference)
    - 1) Enforcement Experience
    - 2) Administrative/Fiscal Experience
    - 3) Equipment
    - 4) Letters of Reference (2 required)
  - g. Enforcement Activities Plan (Attachment 5)
  - h. Budget (No Attachment)
  - i. Budget Justification (No Attachment)
  - j. In-Kind Contributions Form (Attachment 6)
  - k. Cost Per Enforcement Activity Worksheet (Attachment 7)
  - l. Drug-Free Workplace Certification (Attachment 8)
  - m. Agency Documentation Requirements (Attachment 9)
- NOTE: ➤ DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE PERSON AUTHORIZED TO BIND THE APPLICANT AGENCY. READ THE DOCUMENTS AND ALLOW TIME TO OBTAIN THE REQUIRED SIGNATURE.**
- ☞ DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE LOCAL LEAD AGENCY IN YOUR JURISDICTION.**

## **B. Application Cover Sheet (Attachment 1)**

- Item 1: Enter the **legal agency** name of the applicant. Enter the mailing address, which will appear on any subsequent agreement. Enter the name of the county in which the applicant's headquarters is located. Enter the name of the primary person to be contacted regarding this application, the phone number, the fax number, and e-mail address. Enter federal identification number of the applicant.
- Item 2: The grant term, 10/01/01 to 06/30/04, has been entered.
- Item 3: Enter the budget amount requested for the **entire** grant term.
- Item 4: Enter the in-kind contribution amount that will be provided for the entire grant term.
- Item 5: Indicate the location/geographic coverage of the program.

- Item 6: Indicate the tobacco control laws your agency proposes to enforce. If proposing to enforce a tobacco control law other than PC 308(a) or LC 6404.5, then provide the statute number and a brief description of the law.
- Item 7: Identify the estimated number of compliance checks to be conducted during the contract period.
- Item 8: The applicant official authorized to sign on the agency's behalf must sign and date the certification statement provided. Also print the name and title of this official.

### C. Application Checklist (Attachment 2)

The items included on the checklist are **required** to be submitted as part of the application and must be presented in the order noted. **If any of the items are omitted from the application, the application will be considered incomplete and out of compliance with this RFA and will not be reviewed.** Complete the attached application checklist to ensure that all application attachments and required components are included.

### D. Table of Contents (Attachment 3)

Applications must have a Table of Contents with page numbers referenced. Application sections must be presented in the sequence shown on the Application Checklist (Attachment 2).

### E. Narrative (No Attachment) 6-page maximum = 20 points

#### **Criteria**

Funding preference will be given to those applicant that most closely address the criterion below:

- Provide relevant demographic, geographic, and political/cultural characteristics of the community(ies) in which enforcement activities will be conducted.
- Identify the primary geographic locations (i.e. cities, unincorporated county areas, enforcement jurisdictions, etc.) where enforcement activities will be conducted.
- Demonstrate the need for enforcement of tobacco control laws by describing known problems within the community that have created barriers to enforcement.
- Identify any current resources dedicated to local enforcement of tobacco control laws. Identify if this would be the *first time* in the community that funding was dedicated to tobacco law enforcement activity.

## **Instructions**

Using no more than 6 pages, prepare a narrative section that provides the following information:

1. Describe the relevant demographic, geographic, and political/cultural characteristics of your community, such as: a) racial/ethnic composition of your community; b) major population centers; and, c) urban/rural factors.
2. Identify the primary geographic locations (i.e. cities, unincorporated county areas, enforcement jurisdictions, etc.) where enforcement activities will be conducted.
3. Demonstrate the need for enforcement of tobacco control laws by describing known problems within your community that have created barriers to enforcement. Cite any known local compliance rates related to either illegal sales to youth, compliance with the Smoke-free Workplace Law in bars and restaurants, or other relevant data. Some of this information can be obtained from your local tobacco control program, which is administered by your local county or city health department (known as Local Lead Agencies or LLA). A complete listing of the Local Lead Agency Project Directors – Tobacco Control Programs can be found on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco>. Review this document for information on the LLA in your geographic area.
4. Identify any current resources dedicated to local enforcement of tobacco control laws. Also, identify if this would be the *first time* in your community that funding was dedicated to tobacco law enforcement activity.

Describe any current tobacco control law enforcement activities. Explain:

- where these operations have taken place;
- frequency of operations;
- the protocols used to conduct operations;
- the outcomes (rates of compliance, number of successful prosecutions, legal issues); and,
- level of community and administrative support.

## **F. Coordination = 5 points**

### **Criteria**

Funding preference will be given to those applicants that most closely address the criterion below:

- Demonstrate that adequate communication took place with the relevant Local Lead Agency(ies) regarding the Enforcement Activities Plan.

## **Instructions**

Follow the instructions for completing Item 1 below.

### **1. Communication with CDHS/TCS Local Lead Agency Form (Attachment 4)**

- a. The purpose of the Communication with CDHS/TCS Local Lead Agency Form is to confirm that applicants discussed their application with the appropriate Local Lead Agencies (i.e. local health departments). Applicants should discuss current status of enforcement efforts, anticipated challenges or barriers, and ways to create or increase collaboration between the enforcement agency and the LLA. Communication and requests for signatures must occur by May 16, 2001.
- b. Completed forms must be included in the application. Completed forms sent separately from the application will not be reviewed. A complete listing of the Local Lead Agency Project Directors – Tobacco Control Programs can be found on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco>. Review this document for information on the LLA in your geographic area.
- c. The Communication with CDHS/TCS Local Lead Agency Form is to be completed by each LLA that will be part of the service area for the proposed enforcement activities.
- d. In the narrative section of this form, the LLA will be asked to describe current and past collaboration efforts with the applicant agency, if any. Collaboration between LLAs and law enforcement agencies can strengthen the process for identifying violators. In those communities with greatest compliance, a working relationship between law enforcers and the LLA or other CDHS/TCS-funded tobacco control programs is almost always the key to success.

### **G. Applicant Capability (No attachment) 4-page maximum = 15 points**

#### **Criteria**

Funding preference will be given to those applicants that most closely address the criterion below:

- Demonstrate the agency's enforcement code authority regarding the tobacco control laws targeted for operations.
- Describe the applicant's experience in conducting enforcement operations for tobacco control or similar laws.
- Describe applicant's previous training for enforcement of tobacco related laws or those using minor decoys.

- Describe collaboration with local Proposition 99 funded community programs or the Food and Drug Branch, STAKE Act program.
- Demonstrate the applicant's capability and resources to ensure timely start-up and implementation of the enforcement activities.
- Demonstrate the qualifications of key enforcement personnel and their previous experience with these types of enforcement activities.
- Demonstrate the applicant's current administrative staffing pattern for activities such as payroll, bookkeeping, invoicing, and general tracking of administrative and fiscal controls and internal audit history.
- Describe the surveillance, computer, and office equipment the applicant has available for use in this project.
- Solicit and include two (2) letters of reference and attach them immediately following the agency capability narrative.

### **Instructions**

Using no more than 4 pages, address the enforcement experience, administrative/fiscal experience, and equipment and letters of reference criteria.

#### **1. Enforcement Experience**

- a. Cite the agency's enforcement code authority regarding the tobacco control laws targeted for operations. Attach a copy of the statutes or other document that grants your agency the authority to enforce the tobacco control law(s).
- b. Describe the applicant's experience in conducting enforcement operations for tobacco control or similar laws.
- c. Describe applicant's previous training regarding enforcement of tobacco related laws or those using minor decoys.
- d. Describe collaboration with local Proposition 99 funded community programs or the Food and Drug Branch, STAKE Act program.
- e. Describe the applicant's capability and resources to ensure timely start-up and implementation of the enforcement activities. Describe how these operations will be integrated into the agency's organizational and workload structure (i.e., will these enforcement operations be given the appropriate priority; will enforcement officers be working overtime; will the legal system support violation fines and prosecutions).
- f. Describe the qualifications of key enforcement personnel and their previous experience with these types of enforcement activities. **Do not attach résumés.**

## 2. Administrative/Fiscal Experience

- a. Describe the applicant's current administrative staffing pattern for activities such as payroll, bookkeeping, invoicing, and general tracking of administrative and fiscal controls. Describe the qualifications of key fiscal staff, including a description of the staff's experience with monitoring government grant funds. **Do not attach résumés.**
- b. Describe the applicant's internal audit history in the past two years.

## 3. Equipment

Describe the surveillance, computer, and office equipment the applicant has available for use in this project. Include in the description:

- a. the number and type of equipment available, i.e., surveillance equipment (mobile radios, cameras, video tape recorders and monitors, audio tape recorders, microphones, etc.), personal computers, printers, desks, chairs, facsimile machines, etc.;
- b. whether or not the computers have modems and communications software;
- c. the software packages your agency uses for word processing, spreadsheets, databases, etc.;
- d. the ability to operate a Microsoft Access database; and,
- e. approximately when the computer equipment was purchased.

## 4. Letters of Reference

Solicit and include two (2) letters of reference and attach them immediately following the agency capability narrative. One of these letters should be from an agency responsible for prosecuting the statute(s) the applicant is proposing to enforce. Number these letters consecutively as part of the application. The letters of reference are to include the following:

- a. A description of the capacity in which the reference worked with the applicant.
- b. The applicant's experience in conducting enforcement operations related to tobacco control or similar laws.
- c. The applicant's fiscal and administrative ability to manage government grant funds, including submission of reports and general compliance with funding agency policies.
- d. Stated support from the prosecuting agency to actively pursue legal action against those businesses or individuals cited.

- e. The letters are to be on the reference agency's letterhead and should include the address, telephone number, name, and title of the letter's author.
- f. Letters are to be submitted with the application package. Letters sent directly to CDHS/TCS separately from the application package and/or after the application package has been submitted to CDHS/TCS will not be accepted.

#### **H. Enforcement Activities Plan (Attachment 5) = 30 points**

The Enforcement Activities Plan provides the basis for grant negotiations and, along with the Budget, becomes a legally binding document. The approved Enforcement Activities Plan and any subsequent revision is incorporated and made part of the grant. The Enforcement Activities Plan can only be changed with prior approval from CDHS/TCS.

The Budget and Budget Justification should closely correspond to the Enforcement Activities Plan. For example, the number of inspections proposed during the grant period should match the funding requested.

#### **Criteria**

Funding preference will be given to those applicants that most closely address the criterion below:

- Provide all the required information and the detail necessary to make the proposed enforcement activities clear.
- Clearly demonstrate how enforcement procedures will be conducted.
- Propose a reasonable number of inspections to be conducted during the grant term given the geographic area where enforcement activities will take place.

#### **Instructions**

1. For **each** statute proposed for enforcement under this RFA, complete an Enforcement Activities Plan.
2. Agency Name: Indicate the legal name of your agency.
3. Grant Number: Leave blank.
4. Statute Title and Number: Identify the legal designation for the law and the formal and/or popular title of the law.
5. Statute Description: Explain the details of the law including, jurisdiction, key elements, intent, and limitations.



6. Statute Penalty Structure: List the fine schedule levied for each successive citation issued.
7. Target Area for Proposed Enforcement: Identify the geographic area(s) in which enforcement activities will take place.
8. Estimated Rate of Non-Compliance with the Statute: Identify any current or past local compliance rates related to either illegal sales to youth, compliance with the Smoke-free Workplace Law in bars and restaurants, or other relevant data. List the dates for the data being cited. If this information is not available through your agency, refer to Item 3 on Page 16 for further information on how to obtain local compliance rate data.
9. Number of Estimated Establishments or Inspection Sites in the Target Area: Identify the number of bars, tobacco retailers, etc. in the geographic area(s) to be served.
10. Total Number of Inspections to be Conducted During the Grant Term: Identify the number of inspections or checks proposed during the entire contract period.
11. Range of Inspections to be Conducted During Each Six-month Reporting Period: For each six-month reporting period, provide a minimum and maximum range for the number of inspections or checks to be conducted (e.g. 150-175).

**Note: The first three months of the grant term, October 1, 2001 to December 31, 2001, will be for preparation activities, including required CDHS/TCS training, inspection protocol development, identifying or refining establishment/inspection site lists, and recruiting and training youth operatives. The reporting periods begin January 1, 2002.**

12. Describe Enforcement Procedures: Provide detail regarding current or proposed enforcement related activities.
  - a. How inspection protocols will be maintained and updated
  - b. How establishment or inspection sites will be identified
  - c. How repeat violators will be monitored and targeted
  - d. How youth operatives will be recruited, trained and retained for service
  - e. How citations will be prosecuted (informational only; CDHS/TCS will not fund this)
  - f. Describe use of incentives, educational materials, promotional items, paid media, trainings to be held, and use of subcontractors/consultants (refer to pages 30 – 32 for a description of these items).

**I. Budget and Budget Justification (No Attachments, See Appendices F and G for samples) = 20 points**

This section provides information and instructions on the Budget and Budget Justification that must be included in your application.

Funds awarded from this RFA shall not be used to supplant any existing positions, funding, or expenditures, but are to be used to increase existing enforcement activities of local and state tobacco control laws.

### **Funding Criteria**

- Submit reasonable Budgets for the proposed quality and quantity of activities in the Enforcement Activities Plan;
- Propose reasonable personnel costs; given the qualifications of the individuals and needs of the project;
- Provide the level of detail requested in the Budget and Budget Justification instructions.

### **Instructions**

#### **1. Budget Instructions**

- a. The Budget is a summary of the expenses described in the Budget Justification. It must be realistic, cost-effective, and appropriate to the proposed Enforcement Activities Plan. The Budget is the controlling mechanism for expenditures and the basis for approval of invoices.
- b. The Budget must reflect individual budgets for each fiscal year within the grant term, i.e., 10/01/01-06/30/02, 07/01/02-06/30/03, and 07/01/03-06/30/04. Use only whole numbers and round to the nearest dollar. Please refer to Appendix F for the required Budget format.
- c. Once approved, the Budget will be incorporated into the grant and becomes a legally binding document

The Budget consists of eight (8) categories:

- 1) Personnel Costs
- 2) Fringe Benefits
- 3) Operating Expenses
- 4) Equipment Expenses
- 5) Travel/Per Diem and Training
- 6) Subcontracts and Consultants
- 7) Other Costs
- 8) Indirect Expenses

## 2. Budget Justification Instructions

### a. The Budget Justification:

- 1) describes and justifies the expenditures associated with the activities in the Enforcement Activities Plan, and
- 2) helps evaluate the Enforcement Activities Plan and Budget. Prepare one Budget Justification for the entire grant term. Use only whole numbers and round to the nearest dollar. The amounts in the Budget and Budget Justification must match. Please refer to Appendix G for the required Budget Justification format. This format is required to maintain a standardized review and audit trail.

- b. When preparing the Budget Justification, take into consideration changes that may occur due to programmatic or administrative needs. For example, the number of staff may increase/decrease as the program intensity fluctuates; the number of trainings per year may fluctuate, etc.

## **Personnel Costs**

This category of the Budget Justification provides detail on the following:

### 1. Position Title

List all classifications or functional titles for positions for this grant. Management and fiscal personnel must not be included in the Personnel Costs category, but are to be included in the Indirect Expenses category.

### 2. Salary Range

Indicate the actual salary range for each position based on the full-time salary, regardless of the actual time-base budgeted. Each salary range should allow for anticipated salary increases (e.g., merit salary adjustments, cost of living adjustments, bilingual pay, etc.) through the end of the grant term. Additionally, employee leave is to be included in the salary paid to the employee. Employee leave includes holidays, annual leave, vacation, sick, jury duty, military, etc.

Programs will be reimbursed for the actual time worked on the project, at the actual salary rate paid to the employee, as long as the salary rate is the same as that paid to other employees in the same classification who perform comparable duties.

### 3. Percent of Time

For each position, indicate the percent of time to be worked for each pay period (use whole numbers), i.e., 15 percent per semi-monthly pay period. If the position is paid on an hourly basis, then indicate the estimated number of hours to be worked each pay period; i.e., 12 hours per month. If the amount of time varies from month to month, then indicate a range, i.e., 15-20 percent per semi-monthly pay period or 12-20 hours per semi-monthly pay period.

#### 4. Pay Periods

Indicate the frequency and the number of pay periods for which payment shall be claimed each fiscal year. The pay periods identified in the Budget must conform to the frequency your agency pays its employees. Pay periods are defined as follows:

Monthly = 12 pay periods per year

Semi-monthly = 24 pay periods per year

Bi-monthly = 26 pay periods per year

Weekly = 52 pay periods per year

Hourly = "x" number of hours per year

#### 5. Amount Requested

Calculate and list the Amount Requested for each fiscal year for each position. The amount requested is to be determined with the following formula:

Salary x percent of time x number of pay periods = Total Salary

For example:

\$1,500 x 20% x 24 semi-monthly pay periods = \$7,200/year

**NOTE: The total salary budgeted for each fiscal year has two restrictions:**

- (a) The **total salary cannot be less than** the amount computed by multiplying the lowest amount of the salary range x the lowest percentage of time x the lowest number of pay periods. *(An exception would be if a portion of the salary is covered by your agency's in-kind contribution.)*

AND

- (b) The **total salary cannot be more than** the amount computed by multiplying the highest amount of the salary range x the highest percentage of time x the highest number of pay periods.

#### 6. Description of Duties

Provide a summary of the responsibilities for each position.

#### 7. Overtime Expenses

Overtime expenses are reimbursable for the actual overtime worked on the project, at the actual overtime rate paid to the employee.

If applicable, provide an overtime line item. List for each position, the estimated number of overtime hours to be worked, the overtime salary rate, and the total amount budgeted for overtime for each fiscal year.

## 8. Stipends

**Note: Depending on your agency's requirements, the stipend budget may be placed either in the Other Costs category or the Personnel Category, but is not to be budgeted in both categories.**

If your agency is proposing to enforce youth purchase laws, such as PC 308(a), then stipends may be used to reimburse youth for their participation in the enforcement activities. Use this line item to budget for the stipends. Use the appropriate stipend rate allowed by your agency, indicate the estimated number of youth that your program will be using, and the number of hours worked for each student for each fiscal year.

For example, 10 youth at \$6.25 per hour x 30 hours per youth/month x 6 months = \$11,250.

### **Total Personnel Costs**

Add the amount budgeted for each position, including overtime and stipends, if applicable, to compute the Total Personnel Costs for each fiscal year and the grant term.

### **Fringe Benefits**

Fringe benefits may be included in a lump sum amount for each fiscal year.

Fringe Benefits reimbursements are based on a percentage of Total Personnel Costs, **excluding overtime and stipend expenses**. Additionally, Fringe Benefits **do not** include employee leave, i.e., holidays, annual leave, vacation, sick, jury duty, military, etc. Employee leave is to be included in the salary paid to the employee.

List the benefits your agency provides. Indicate the percentage rate and the dollar amount requested for Fringe Benefits for each fiscal year. If the percentage rate for benefits differs for various positions, indicate the low and high range, e.g., 20-25 percent.

### **Total Personnel Expenses**

Add the Total Personnel Costs and Fringe Benefits to compute the Total Personnel Expenses for each FY and the grant term.

## **Operating Expenses**

### **1. General Expenses**

- a. Office Supplies – Office supplies refer to general supplies such as pens, pencils, paper, etc.
- b. Postage – Postage includes all mailing expenses.
- c. Duplicating – Duplicating refers to photocopying expenses or reproduction costs of printed materials for small office jobs. This sub-line item also includes the tobacco project's share of the applicant's copy machine usage and costs for copier maintenance agreements and copier supplies.

### **2. Communications**

Communications refer to the monthly charges and installation costs associated with the telephone system. This may also include costs for FAX lines and Internet access.

### **3. Printing**

Printing refers to the reproduction costs for items usually completed by outside vendors, such as citations, training guides, business cards, brochures, etc.

### **4. Space Rent/Lease**

Square footage shall not exceed 150 square feet per full-time equivalent (FTE) plus "reasonable" square footage for shared space such as conference rooms, storage space, etc.

Provide the total number of square feet and the budgeted amount to be charged to this grant. Consider any rate increases during the grant term.

Example:

$$\begin{aligned} 2 \text{ 100\% FTE staff} \times 150 \text{ sq ft} \times \$1.25/\text{sq ft} \times 9 \text{ mo} &= \$ 3,375 \text{ (1}^{\text{st}} \text{ year)} \\ 2 \text{ 100\% FTE staff} \times 150 \text{ sq ft} \times \$1.35 \text{ sq ft} \times 24 \text{ mo} &= \underline{\$ 9,720} \text{ (2}^{\text{nd}} \text{ and 3}^{\text{rd}} \text{ year)} \\ &= \$13,095 \text{ Total for 33 mos.} \end{aligned}$$

### **5. Equipment Rental**

List all rental equipment, quantify each item, and provide for each item the monthly rental rate, number of rental months, and the approximate dollar amount.

**NOTE: Renting/Leasing to own, Purchase/Leaseback, and Lease/Purchase of equipment is not allowed.**

## 6. Audit Expenses

All CDHS/TCS funded grantees are required to conduct an annual single organization-wide financial and compliance audit. The budgeted amount should represent the proportionate amount of this grant in relationship to your agency's total revenue. For example, if this grant represents 10 percent of your agency's total revenue, then this grant would be responsible for no more than 10 percent of the total annual audit costs.

Audit expenses may be budgeted in this line item **or** in Indirect Expenses.

If audit expenses are budgeted in this line item, then provide the dollar amount allocated for the audit, the calculation for this amount, and the percentage this grant represents of your agency's total revenue. Also, identify the FY in which your agency operates (e.g., July 1 through June 30 or January 1 through December 31, etc.).

**If budgeted in this line item, then this Audit Expense line item plus the Indirect Expenses line item cannot exceed 25 percent of your Total Personnel Expenses (Personnel Costs plus Fringe Benefits).**

Grantees choosing not to allocate funds for audit purposes must provide a written justification explaining their compliance with the audit requirement.

## 7. Buy Money

Funds may be budgeted for "buy money" for the purchase of tobacco products and other small items such as gum and sodas, during youth purchase enforcement activities only. Based on the proposed Enforcement Activities Plan, provide an estimated amount needed for buy money.

## 8. Agency Vehicle Use

Funds may be budgeted for the use of the agency's enforcement program vehicle(s). The amount budgeted is to be limited to the tobacco enforcement program's prorated share.

List the monthly prorated-share of the vehicle expenses and the number of months charged to the tobacco enforcement program for each fiscal year.

Note: Funds awarded from this RFA may not be used to purchase vehicles.

## **Equipment Expenses**

Successful applicants may use their agency's own procurement procedures for acquiring approved equipment.

Due to the anticipated limited funding amount of grant awards from this RFA, equipment purchases will be considered on a case-by-case basis and will depend upon the need of the applicant and approval of TCS. Equipment purchases include, but are not limited to, the following:

1. Computer equipment includes personal computers, printers, computer scanners, external Zip drives, external hard drives, external modems, software, and uninterrupted computer supply adapters.

**Note: Microsoft Access database software is required in order for projects to report on their activities and if not currently available from the applicant agency, then the purchase must be budgeted in the Equipment Expenses category.**

2. Surveillance or communications equipment includes, but is not limited to, mobile radios, cameras, video tape recorders and monitors, audio tape recorders, and microphones.

Itemize each item of equipment proposed for purchase; indicate quantity requested, and the estimated cost per unit. Each item of equipment must include an explanation justifying the need for the equipment.

### **Travel/Per Diem and Training**

#### **1. General Information**

- a. Travel costs are allowable for expenses relating to transportation, lodging and subsistence. Allowable expenses shall be limited to those resulting from attendance at the CDHS/TCS-required trainings and conferences and any professional development trainings required by the agency so that the employees may maintain their employment status.
- b. Travel expenses incurred by agency employees must be in accordance with the travel policies and procedures of the funded-agency. While the funded-agency may actually reimburse employees at higher rates, expenses claimed by the agency for reimbursement by the State under this RFA must be in accordance with the State Department of Personnel Administration rates. Please refer to Appendix C, Travel Reimbursement Rate Information.
- c. State funds are not allowed for travel and per diem or registration fees for trainings and/or conferences held out-of-state without prior written approval by CDHS/TCS.
- d. CDHS/TCS and its statewide contractors typically conduct 12-14 required trainings/conferences each year.

These trainings/conferences are specifically designed and directed toward CDHS/TCS-funded projects; provide opportunities for project staff to learn from national, state, and



local experts regarding evaluation, media, and advocacy; and are a means to be connected to California's larger tobacco control movement.

Each training/conference is usually one-to-two days in length. A statewide conference may be two-to-three days in length.

Typically, each training is offered only once. However, some trainings are offered twice; once in Northern California (Bay Area or Sacramento counties) and another in Southern California (Los Angeles, Orange, or San Diego counties).

**In addition to the trainings listed below, staff assigned to the tobacco control enforcement program will be required to attend POST trainings, annually at a minimum and also when new staff are assigned to the tobacco control enforcement program. The POST program will reimburse successful applicants for salary, travel and per diem expenses related to the required POST trainings.**

### **Instructions**

Provide a separate line item budget for each of the following:

#### **1. Agency Required Travel**

Local travel expenses include mileage, per diem, and incidental expenses for project-related activities such as required travel to hold youth purchase enforcement protocol trainings for youth involved in the program. Local travel expenses also include airfare, meals, lodging, incidental expenses, and mileage required for travel to professional development trainings required for enforcement staff and necessary to maintain their employment status.

**Note: Mileage is not reimbursable if program staff utilize vehicles that are owned/leased by the funded-agency.**

#### **2. Agency Required Training**

Agency required training costs include registration fees for professional development or any other additional training events required for enforcement staff and necessary to maintain their employment status.

### 3. CDHS/TCS-Required Travel and Training Conferences

#### a. New Grantee Orientation

This is a one-day session for 2-3 staff, i.e., the enforcement officers and the person who is responsible for fiscal matters. This event occurs in the first year only and is held in two different locations, usually in Northern and Southern California.

Budget \$250 per person (\$125 for travel/per diem and \$125 for registration) for 2-3 people to attend.

#### b. Project Director's Meeting

This conference typically occurs in alternate years and is three-days in length. Budget this expense in fiscal years 01/02 and 03/04.

Budget \$1,200 per person (\$1,000 for travel/per diem and \$200 for registration) for a maximum of two people to attend. The \$1,000 for travel/per diem includes two to three nights of lodging and airfare.

#### c. Tobacco Control Law Enforcement Trainings

Successful applicants will be required to send the lead enforcement officer working on the CDHS/TCS enforcement program to annual tobacco control enforcement trainings.

Budget \$375 (\$250 for travel/per diem and \$125 for registration) for 1 person to attend 1 tobacco control enforcement training per year.

#### d. Additional Trainings/Conferences Required by CDHS/TCS

CDHS/TCS typically conducts 5-10 additional required trainings/conferences per year. Each is usually one-to-two days in length for 1-2 staff.

Budget \$375 per person (\$250 for travel/per diem and \$125 for registration) for 1-2 staff to attend 3-5 additional required trainings/conferences per year.

### **Subcontracts and Consultants**

1. A subcontractor is an individual or organization who performs a specialized task that is directly related to providing project services. Services typically provided by a subcontractor are conducting local enforcement activities, developing enforcement educational materials, etc. The use of subcontractors must be clearly defined in the Enforcement Activities Plan.

2. A consultant is an individual whose level or area of expertise relating to the target population extends beyond that possessed by the applicant's staff. Typical services provided by a consultant are advice on programmatic issues such as youth recruitment, group facilitation, in-service training, etc. Consultants are to be used only for activities directly related to the enforcement program. The use of consultants must be clearly defined in the Enforcement Activities Plan.
3. The rate paid to a consultant should be commensurate with his/her level of training, expertise, and national recognition. Every effort should be made to negotiate the lowest possible rate.
4. List each subcontractor and consultant and provide the amount budgeted, contract term, and description of services for each.

### **Other Costs**

#### **1. Educational Materials**

This line item includes the purchase of brochures, pamphlets, posters, curriculum, training guides, videos, flip charts, etc., necessary for program activities such as training youth used in PC 308 (a) enforcement activities or adults used to conduct site observations of violations of LC 6404.5. Refer to Policy Section, Chapter 300 on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco> for more information on educational materials.

Provide a list of the educational materials and the total amount requested. Do not itemize; use broad categories and estimates only.

#### **2. Promotional Items and Incentives**

Refer to Policy Section, Chapter 300 on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco> for more information on promotional items and incentives.

##### **a. Promotional Items**

These are inexpensive miscellaneous items (e.g., buttons, key chains, stickers, posters, etc.) given to individuals in order to generate visibility and interest, to increase public awareness and to promote attitudes which support tobacco control activities in the community.

##### **b. Incentives**

**INCENTIVES ARE LIMITED TO A MAXIMUM OF \$50 PER PERSON PER YEAR.  
CASH AWARDS ARE NOT ALLOWED.**

Incentives are awards provided to participants to reinforce a positive behavior change. For example, incentives may be provided to youth who recruit additional youth for participation in youth purchase enforcement activities or adult volunteers who conduct LC 6404.5 site observations. Some examples of incentives are: framed certificates of appreciation, recognition plaques, gift certificates for movies, compact disks, etc.

Provide a listing of incentive items that may be used, a brief description of how they will be used, an approximate number to be awarded, and the total amount budgeted.

c. Media, Public Relations, and Advertising

This line item may include the development, purchase, or placement of Public Service Announcements (PSAs), paid advertisements on radio, TV, newspaper, magazines, billboards, bus shelter ads, organizational newsletters, and neighborhood advertising papers.

**Note: The Media, Public Relations, and Advertising budget may be used to notify the community that your agency has received funding to conduct tobacco control enforcement activities, to announce the results of the enforcement activities, to recruit youth and/or adult volunteers, etc. However, funds received from this RFA may not be used to alert the community as to when and where enforcement activities will take place.**

3. Additional Expenses

This line item allows for expenditures that otherwise are not listed in this sample Budget Justification. If you use line items under Additional Expenses, then list them individually and be specific, e.g., youth stipends, facility fees for rental of meeting rooms to hold enforcement trainings; per diem for youth used during PC 308 (a) enforcement activities, etc.

Provide the justification and the amount requested for each additional line item.

**Total Other Costs**

Add all Other Costs line items to compute the Total Other Costs for each FY and the grant term.

**Indirect Expenses**

Indirect Expenses are costs that are not directly associated with the project's deliverables. Examples of Indirect Expenses are: management and fiscal personnel (e.g., Executive Director, Deputy Director, Attorney, Bookkeeper), bookkeeping and payroll services,

utilities, audit expenses, building and equipment maintenance, janitorial services, insurance costs.

Provide a list of all Indirect Expenses charged to this grant and the dollar amount requested. Indirect Expenses **CANNOT EXCEED 25 percent** of the Total Personnel Expenses (Personnel Costs plus Fringe Benefits).

Indicate if any of the Indirect Expenses will be covered by your agency's in-kind contributions.

### **Total Expenses**

Add Personnel Costs, Fringe Benefits, Operating Expenses, Equipment Expenses, Travel/Per Diem and Training, Subcontracts and Consultants, Other Costs, and Indirect Expenses to compute Total Expenses for each fiscal year.

### **J. In-Kind Contributions (Attachment 6) = 5 points**

1. Funds awarded through this RFA must be matched via in-kind contributions on a 4 to 1 basis, i.e., for every \$4 awarded, the successful applicant must contribute \$1 of in-kind funding. For example, an agency that receives an award amount of \$30,000 would be required to contribute a total of \$7,500 in-kind for the entire grant term.
2. The in-kind contributions must be made on a 4-1 basis for each year of the grant.
3. The intent of the in-kind contributions is to direct more of the funds awarded from this RFA to actual enforcement activities.
4. Funded agencies will be required to report on the in-kind contributions and any in-kind services, such as compliance checks, during the semi-annual tracking system reports.
5. Applicants have the flexibility of deciding where they will provide the required in-kind contributions. For example, an applicant may decide to provide a portion of their in-kind contributions to each line item in the budget. Alternatively, an applicant may provide the in-kind contribution for only one or two line items in the budget.

### **Funding Criteria**

Funding preference shall be given to applicants that:

- Provide the in-kind contributions on the required 4-1 basis.
- Provide in-kind contributions that result in more funds awarded from this RFA are directed toward actual enforcement activities.

### **Instructions**

1. On Page 1 of Attachment 6, In-Kind Contributions Form, indicate on the appropriate line items, the in-kind contributions your agency will provide each fiscal year.
2. To ensure that your agency is providing in-kind contributions on the required 4 to 1 basis, indicate the funding amount requested for each fiscal year, then divide that amount by 4 to arrive at the required in-kind contribution.
3. On Page 2 of Attachment 6, provide a brief description of the in-kind contributions your agency proposes to provide. For example, indicate if your agency proposes to provide in-kind the supervisory/management or administrative personnel necessary to oversee and implement the program; or indicate if your agency proposes to provide in-kind a portion of the space/rent/leasing expenses associated with the project; etc.
4. Have the authorized official sign and date the document. Also, print the name and title of this official.

### **K. Cost Per Enforcement Activity Worksheet (Attachment 7) = 5 points**

In order to study the cost-benefit of enforcing tobacco control laws, CDHS/TCS is interested in comparing and standardizing the rates for different enforcement activities. Therefore, Attachment 7, the Cost Per Enforcement Activity Worksheet, has been developed in an effort to collect information on the costs associated with enforcing different types of tobacco control laws in different areas of the state.

### **Funding Criteria**

Funding preference shall be given to applicants that:

- Provide the level of detail requested in the Cost Per Enforcement Activity Worksheet instructions.
- Provide reasonable rates for the proposed quality and quantity of activities in the Enforcement Activities Plan.

### **Instructions**

Complete one form for each tobacco control law proposed for enforcement.

1. Provide information regarding: a. your agency's name, b. the statute number and the type of tobacco control law your agency proposes to enforce, c. the target area of enforcement activities, and d. the number of enforcement activities to be conducted per year.

2. Provide the estimated annual expenses associated with enforcing the proposed tobacco control law for each of the listed expense categories. The estimated costs may include the expenses identified in your proposed budget and expenses covered by your agency's in-kind contributions.
3. Calculate the Total Estimated Annual Expenses by adding items B.1. through B.6.
4. Calculate the Estimated Cost Per Enforcement Activity by dividing the Total Estimated Annual Expenses by the Proposed Number of Activities Per Year.
5. The official authorized to sign on the agency's behalf must sign and date worksheet. Also, print the name and title of this official.

**L. Additional Required Forms**

The following documents require Completion/Signature by the person authorized to bind the applicant agency.

1. Drug Free Workplace Certification (Attachment 8)
2. Agency Documentation Requirements (Attachment 9)

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## V. TABLE OF CONTENTS FOR ENCLOSED ATTACHMENTS

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**COVER SHEET: RFA #TCS-01-104 LOCAL ENFORCEMENT OF TOBACCO CONTROL LAWS**

## 1. Applicant Information:

Applicant Legal Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

County \_\_\_\_\_

Contact Person's Name \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ FAX (\_\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

Federal Identification Number \_\_\_\_\_

2. Term of Grant: From 10/01/01 to 06/30/04

## 3. Total Budget Amount Requested for Entire Grant Term 10/01/01 to 06/30/04: \$ \_\_\_\_\_

## 4. Total In-Kind Contributions to be Provided for the Entire Grant Term: \$ \_\_\_\_\_

## 5. Location/Geographic Coverage of Project: \_\_\_\_\_

## 6. Tobacco Control Laws Proposed for Enforcement:

☐ PC 308(a)☐ LC 6404.5☐ Other: \_\_\_\_\_  
*provide statute number and brief description, i.e., store front advertising, self service displays, etc.*

## 7. Estimated Number of Compliance Checks to be Conducted During the Contract Period: \_\_\_\_\_

## 8. The undersigned hereby affirms that the statements contained in the application package are true and complete to the best of the applicant's knowledge and accepts as a condition of a grant, the obligation to comply with the applicable state and federal requirements, policies, standards, and regulations. The undersigned recognizes that this is a public document and open to public inspection.

Signature  
of Agency Representative \_\_\_\_\_ Date \_\_\_\_\_

Print Name and Title \_\_\_\_\_

---

**APPLICATION CHECKLIST**


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The following attachments and components must be completed and submitted in the order shown here. Applications which are missing any of these attachments or components will be considered non-compliant and will not be reviewed. Please note that you are not required to submit the Application Checklist.

**Attachments and Components**Check Mark

- |   |       |
|---|-------|
| • One Original Application (Marked "Original")  | _____ |
| • 6 Additional Copies of the Application  | _____ |
| • 6 Additional Copies of the Narrative  | _____ |
| ➤ • Application Cover Sheet (Attachment 1)  | _____ |
| • Application Checklist (Attachment 2) (optional)   | _____ |
| • Table of Contents (Attachment 3)  | _____ |
| • Narrative – (No Attachment, 6 page limit, not including the Communication with CDHS/TCS Local Lead Agency Form) | _____ |
| • Community Profile and Geographic Area(s) to Be Served   | _____ |
| • Enforcement Need and Current Enforcement Effort   | _____ |
| ☞ • Communication with CDHS/TCS Local Lead Agency Form (Attachment 4)   | _____ |
| • Applicant Capability – (No Attachment, 4 page limit, not including Letters of Reference)                        | _____ |
| • Code Enforcement Authority and Experience   | _____ |
| • Copy of Statute or Other Document Granting Enforcement Authority  | _____ |
| • Administrative/Fiscal Experience  | _____ |
| • Equipment   | _____ |
| • Letters of Reference (2 required)   | _____ |
| • Enforcement Activities Plan (Attachment 5)  | _____ |
| • Budget (No Attachment)  | _____ |
| • Budget Justification (No Attachment)  | _____ |
| ➤ • In-Kind Contributions Form (Attachment 6)   | _____ |
| ➤ • Cost Per Enforcement Activity Worksheet (Attachment 7)  | _____ |
| ➤ • Drug-Free Workplace Certification (Attachment 8)  | _____ |
| ➤ • Agency Documentation Requirements (Attachment 9)  | _____ |

**NOTE:** ➤ **DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE PERSON AUTHORIZED TO BIND THE APPLICANT AGENCY. READ THE DOCUMENTS AND ALLOW TIME TO OBTAIN THE REQUIRED SIGNATURE.**

☞ **DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE LOCAL LEAD AGENCY IN YOUR JURISDICTION.**

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**Local Enforcement of Tobacco Control Laws**

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1. Narrative .....	
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**COMMUNICATION with CDHS/TCS LOCAL LEAD AGENCY FORM**

**Enforcement of Local Tobacco Control Laws, RFA # TCS-01-104**

*Applicant Agency: Please copy this form and send it to the appropriate Local Lead Agency to complete.  
Requests for signatures must occur by May 16, 2001.*

**TO:**

Project Director \_\_\_\_\_

Agency Name \_\_\_\_\_

**FROM:**

Applicant Agency Representative \_\_\_\_\_

Applicant Agency Name \_\_\_\_\_

*Please complete the following information, sign, and return this form  
to the applicant agency immediately. Thank you.*

I confirm that the applicant agency identified above communicated with me to coordinate and collaborate in the proposed enforcement activities for the CDHS/TCS Local Enforcement of Tobacco Control Laws, RFA # TCS-01-104.

- ☐ **Yes**, there was adequate communication with the applicant agency to plan for coordination and collaboration where appropriate.
- ☐ **No**, there was not adequate communication with the applicant agency to plan for coordination and collaboration.

Describe any current and past collaboration efforts between the applicant agency and the Local Lead Agency:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_ **Phone No:** (\_\_\_\_) \_\_\_\_\_

Agency Name:  
Grant Number:

Exhibit A  
Scope of Work

Grant Term: 10/01/01 – 06/30/04  
Revision Date: May 30, 2001

## ENFORCEMENT ACTIVITIES PLAN

1. Complete this form or a facsimile for **each state or local tobacco control law** proposed for enforcement funding under this RFA. A maximum of 2 additional pages may be added for each form completed. Refer to page 20 for instructions on completing this form.

2. Statute Title and Number:

3. Statute Description:

4. Statute Penalty Structure:

5. Target Area for Proposed Enforcement:

8. Estimated Rate of Non-Compliance with the Statute:

9. Number of Estimated Establishments or Inspection Sites in the Target Area:

10. Total Number of Inspections to be Conducted During the Grant Term:

11. Range of Inspections to be Conducted During Each Six-month Reporting Period:

1/1/02 - 6/30/02:

7/1/02 -12/31/02:

1/1/03 - 6/30/03:

7/1/03 – 12/31/03:

1/1/04 – 6/30/04:

10. Describe Enforcement Procedures:

- How inspection protocols will be maintained and updated
- How establishment or inspection sites will be identified
- How repeat violators will be monitored and targeted
- How youth operatives will be recruited, trained and retained for service
- How citations will be prosecuted (informational only; CDHS/TCS will not fund this)
- Describe use of incentives, educational materials, promotional items, paid media, trainings to be held, and use of subcontractors/consultants (refer to pages 29 – 31 for a description of these items).

**IN - KIND CONTRIBUTIONS FORM**  
**October 1, 2001 through June 30, 2004 (33 months)**

	Column 1	Column 2	Column 3	Column 4
CATEGORY	In-Kind Contributions for 10/01/01 - 06/30/02	In-Kind Contributions for 07/01/02 - 06/30/03	In-Kind Contributions for 07/01/03 - 06/30/04	In-Kind Contributions for 33 Months
PERSONNEL EXPENSES	\$	\$	\$	\$
FRINGE BENEFITS	\$	\$	\$	\$
OPERATING EXPENSES	\$	\$	\$	\$
EQUIPMENT EXPENSES	\$	\$	\$	\$
TRAVEL/PER DIEM & TRAINING	\$	\$	\$	\$
SUBCONTRACTS & CONSULTANTS	\$	\$	\$	\$
OTHER COSTS	\$	\$	\$	\$
INDIRECT EXPENSES	\$	\$	\$	\$
TOTAL IN-KIND CONTRIBUTIONS	\$	\$	\$	\$

Amount Requested  
Each FY:

\$                      \$                      \$                      \$  
divided by 4      divided by 4      divided by 4      divided by 4

Equals the Required  
In-Kind Contribution:

= \$                      = \$                      = \$                      = \$

Continue to the next page and provide: a) brief description of the in-kind contributions and b) required signature.

<b>IN - KIND CONTRIBUTIONS FORM</b> <b>October 1, 2001 through June 30, 2004 (33 months)</b>	
<b>CATEGORY</b>	In the space below, briefly describe the in-kind contributions your agency proposes to provide.
<b>PERSONNEL EXPENSES</b>	
<b>FRINGE BENEFITS</b>	
<b>OPERATING EXPENSES</b>	
<b>EQUIPMENT EXPENSES</b>	
<b>TRAVEL/PER DIEM &amp; TRAINING</b>	
<b>SUBCONTRACTS &amp; CONSULTANTS</b>	
<b>OTHER COSTS</b>	
<b>INDIRECT EXPENSES</b>	

---

 Signature

---

 Date

---

 Printed Name

---

 Title

---

**COST PER ENFORCEMENT ACTIVITY WORKSHEET**


---

(Complete one form for each tobacco control law proposed for enforcement)

---

**A. INFORMATION**

1. Agency Name: \_\_\_\_\_
2. Tobacco Control Law or Ordinance to be Enforced: \_\_\_\_\_  
 Type:
 

<input type="checkbox"/> Clean in-door air worksite (non-bar)	<input type="checkbox"/> Clean in-door air worksite (bar)
<input type="checkbox"/> Sales to minors	<input type="checkbox"/> Advertising restrictions
<input type="checkbox"/> Out-door tobacco smoke (OTS)	<input type="checkbox"/> Other: _____
3. Enforcement Activity Target Area(s) \_\_\_\_\_  
 (geographic location(s) e.g., city, county, unincorporated area)
4. Proposed Number of Enforcement Activities Per Year: \_\_\_\_\_

**B. Provide the estimated annual costs associated with enforcing tobacco control laws in your jurisdiction for the following items. The estimated costs may include the expenses identified in your proposed budget and expenses covered by your agency's in-kind contributions.**

- |  |          |
|--|----------|
| 1. Enforcement Personnel Costs<br>(May include salaries, overtime, fringe benefits)  | \$ _____ |
| 2. Managerial/Administrative Personnel Costs<br>(May include salaries, overtime, fringe benefits)  | \$ _____ |
| 3. Enforcement Personnel Training Costs<br>(May include training expenses necessary for enforcement staff to maintain employment status)   | \$ _____ |
| 4. Operating Expenses<br>(May include office supplies, communications, printing, space, equipment rental, etc.)  | \$ _____ |
| 5. Evidence Collection Costs<br>(May appear in applicant's budget under Operating Expenses and may include documentation such as photographs, video tapes, etc., or "buy money" to purchase tobacco products and other small items, such as sodas, candy, chips, etc.) | \$ _____ |
| 6. Equipment Necessary for Enforcement Activities<br>(Surveillance equipment such as mobile radios, cameras, etc., computers, printers, software, necessary for preparing reports, etc.)   | \$ _____ |
| 7. Travel Costs Directly Related to Enforcement Activities<br>(May include use of agency's enforcement vehicles, mileage if using personal vehicles, travel for project-related activities, etc.)  | \$ _____ |

Continue on Next Page



**COST PER ENFORCEMENT ACTIVITY WORKSHEET**

8. Youth Operative/Decoy Costs \$ \_\_\_\_\_  
(May include recruitment expenses, stipends, training expenses, etc.)

9. Adult Volunteer Costs \$ \_\_\_\_\_  
(May include recruitment expenses, stipends, training expenses, etc.)

10. Indirect Costs \$ \_\_\_\_\_  
(Includes costs not directly associated with the project's deliverables, i.e., management and fiscal personnel, bookkeeping, utilities, audit expenses, building and equipment maintenance, insurance costs, etc.)

11. Other Costs \$ \_\_\_\_\_  
(Include other costs necessary for enforcement activities not listed above and provide a brief listing.)

12. Total Estimated Annual Expenses \$ \_\_\_\_\_

C. Estimated Cost Per Enforcement Activity: \$ \_\_\_\_\_  
(divide the total estimated annual expenses by the proposed number of enforcement activities per year)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**DRUG-FREE WORKPLACE CERTIFICATION**

STD. 21 (12/93)

*I, the official named below, hereby swear that I am duly authorized legally to bind the prospective bidder, contractor or grant recipient to the certification described below. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.*

COMPANY / ORGANIZATION NAME:

OFFICIAL'S NAME:

DATE EXECUTED:

EXECUTED IN THE COUNTY OF:

CONTRACTOR or GRANT RECIPIENT SIGNATURE:

TITLE:

FEDERAL ID NUMBER:

The firm named above hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The above named contractor or grant recipient will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
  - (a) The dangers of drug abuse in the workplace,
  - (b) The person's or organization's policy of maintaining a drug-free workplace,
  - (c) Any available counseling, rehabilitation and employee assistance programs, and
  - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code Section 8355(c), that every employee who works on the proposed contract or grant:
  - (a) Will receive a copy of the company's drug-free workplace policy statement, and
  - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.

At the election of above named firm, from and after the "Date Executed" and until \_\_\_\_\_ (not to exceed 36 months), the Department of Health Services (DHS) will regard this certificate as valid for all contracts or grants entered into between the above named firm and DHS without requiring the above named firm to provide a new and individual certificate for each contract or grant. If the above named firm elects to fill in the blank date, then the terms and conditions of this certificate shall have the same force, meaning, effect and enforceability as if a certificate were separately, specifically, and individually provided for each contract or grant between the above named firm and DHS.

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**AGENCY DOCUMENTATION REQUIREMENTS**

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The California Department of Health Services may audit contracts at any time. The documentation required for each audit may typically include, but is not limited to the following:

Fiscal Records

- A. General Ledger, Journals, and Charts of Accounts
- B. Cash Receipts and Disbursements Journal with Supporting Documents
- C. Vendor Invoices to Support Expenditures
- D. Program Remittance Advices from State Controller
- E. Payroll Records, including, but not limited to personnel time sheets signed/dated by the employee and supervisor reflecting actual time worked on program.
- F. Travel Log, Employee Expense Claims and appropriate receipts
- G. Billing Records (Program Log)
- H. State and Federal Tax Withholding Records
- I. Financial Statements and Independent Auditor's of County Auditor's Report
- J. Computation of the Fringe Benefit of Fund Sources
- K. Agency wide Budget and Listing of Fund Sources
- L. Copies of Monthly Invoices to the State
- M. Copies of Reimbursement Warrants and Remittance Advices from the State
- N. Administrative Manuals such as Personnel Policies and Procedures, Travel Policies and Procedures

Program Records

- A. Project Application (submitted in response to this RFA)
- B. Contract and Contract Amendments
- C. TCS Competitive Grantee Administrative and Policy Manual
- D. Progress Reports and the Final Report
- E. Program Audit Reports of Site Visits
- F. Enforcement Activities Plan
- G. Correspondence Regarding the Contract and/or Subcontracts
- H. Program implementation records that document the number of people served, materials developed activities conducted, etc. These records may include, but are not limited to logs, sign-in sheets, meeting minutes, survey and evaluation data, etc.

Other Records

- A. Board of Director's Minutes and Articles of Incorporation
- B. Non-Profit Approval Letter/Certification
- C. Organization Chart (Agency-wide) and Duty Statements
- D. Program Correspondence Files
- E. Other Program Audits of the Facility

**Note: See Next Page for Agency Certification and Required Signatures**

**AGENCY DOCUMENTATION REQUIREMENTS**

I certify that the above will be available upon request by the CDHS, CDHS/TCS Program/Contract Manager and/or Auditors.

Director of Agency:

Agency Financial Management Official:

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Print Name and Title

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COPY OF LABOR CODE 6404.5

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Sections of the California State Labor Code  
Specifically Relating to Smoking in Enclosed Workplaces  
(Sections 6404 & 6404.5)

**6404.**

No employer shall occupy or maintain any place of employment that is not safe and healthful.

**6404.5.**

- (a) The Legislature finds and declares that regulation of smoking in the workplace is a matter of statewide interest and concern. It is the intent of the Legislature in enacting this **section** to prohibit the smoking of tobacco products in all (100 percent of) enclosed places of employment in this state, as covered by this **section**, thereby eliminating the need of local governments to enact workplace smoking restrictions within their respective jurisdictions. It is further the intent of the Legislature to create a uniform statewide standard to restrict and prohibit the smoking of tobacco products in enclosed places of employment, as specified in this **section**, in order to reduce employee exposure to environmental tobacco smoke to a level that will prevent anything other than insignificantly harmful effects to exposed employees, and also to eliminate the confusion and hardship that can result from enactment or enforcement of disparate local workplace smoking restrictions. Notwithstanding any other provision of this **section**, it is the intent of the Legislature that any area not defined as a "place of employment" pursuant to subdivision (d) or in which the smoking of tobacco products is not regulated pursuant to subdivision (e) shall be subject to local regulation of smoking of tobacco products.
- (b) No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment.
- (c) For purposes of this **section**, an employer who permits any non employee access to his or her place of employment on a regular basis has not acted knowingly or intentionally if he or she has taken the following reasonable steps to prevent smoking by a non employee:
  - (1) Posted clear and prominent signs, as follows:
    - (A) Where smoking is prohibited throughout the building or structure, a sign stating "No smoking" shall be posted at each entrance to the building or structure.
    - (B) Where smoking is permitted in designated areas of the building or structure, a sign stating "Smoking is prohibited except in designated areas" shall be posted at each entrance to the building or structure.
  - (2) Has requested, when appropriate, that non-employee who is smoking refrain from smoking in the enclosed workplace. For purposes of this subdivision, "reasonable steps" does not include:

- (A) the physical ejection of a non employee from the place of employment or
  - (B) any requirement for making a request to a non employee to refrain from smoking.  
Under circumstances involving a risk of physical harm to the employer or any employee.
- (d) For purposes of this **section**, “place of employment” does not include any of the following:
- (1) Sixty-five percent of the guest room accommodations in a hotel, motel, or similar transient-lodging establishment.
  - (2) Areas of the lobby in a hotel, motel or other similar transient lodging establishment designated for smoking by the establishment. An establishment may permit smoking in a designated lobby area that does not exceed 25 percent of the total floor area of the lobby or, if the total area of the lobby is 2,000 square feet or less, that does not exceed 50 percent of the total floor area of the lobby. For purposes of this paragraph, “lobby” means the common public area of an establishment in which registration and other similar or related transactions, or both are conducted and in which the establishment’s guests and members of the public typically congregate.
  - (3) Meeting and banquet rooms in a hotel, motel, or other transient lodging establishment similar to hotel, or motel, restaurant, or public convention center, except while food or beverage functions are taking place, including setup, service, and cleanup activities, or when the room is being used for exhibit purposes. At times when smoking is not permitted in a meeting or banquet room pursuant to this paragraph, the establishment may permit smoking in corridors and pre-function areas adjacent to and serving the meeting or banquet room if no employee is stationed in that corridor or area on other than a passing basis.
  - (4) Retail or wholesale tobacco shops and private smokers’ lounges. For purposes of this paragraph:
    - (A) “Private smokers’ lounge” means any enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including, but not limited to, cigars and pipes.
    - (B) “Retail or wholesale tobacco shop” means any business establishment the main purpose of which is the sale of tobacco products, including, but not limited to, cigars, pipe tobacco, and smoking accessories.
  - (5) Cabs of motortrucks, as defined in **Section** 410 of the Vehicle **Code**, or truck tractors, as defined in **Section** 655 of the Vehicle **Code**, if no nonsmoking employees are present.
  - (6) Warehouse facilities. For purposes of this paragraph, “warehouse facility” means a warehouse facility with more than 100,000 square feet of total floor space, and 20 or fewer full-time employees working at the facility, but does not include any area within a facility that is utilized as office space.

- (7) Gaming clubs, in which smoking is permitted by subdivision (f). For purposes of this paragraph, “gaming club” means any gaming club, as defined in **Section** 19802 of the Business and Professions **Code**, or bingo facility, as defined in **Section** 326.5 of the Penal **Code**, that restricts access to minors under 18 years of age.
- (8) Bars and taverns, in which smoking is permitted by subdivision (f). Purposes of this paragraph, “bar” or “tavern” means a facility primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises, in which the serving of food is incidental. “Bar” or “tavern” includes those facilities located within a hotel, motel, or other similar transient occupancy establishment. However, when located within a building in conjunction with another use, including a restaurant, “bar” or “tavern” includes only those areas used primarily for the sale and service of alcoholic beverages. “Bar” or “tavern” does not include the dining areas of a restaurant, regardless of whether alcoholic beverages are served therein.
- (9) Theatrical production sites, if smoking is an integral part of the story in the theatrical production.
- (10) Medical research or treatment sites, if smoking is integral to the research and treatment being conducted.
- (11) Private residences, except for private residences licensed as family day care homes, during the hours of operation as family daycare homes and in those areas where children are present.
- (12) Patient smoking areas in long-term health care facilities, as defined in **Section** 1418 of the Health and Safety **Code**.
- (13) Breakrooms designated by employers for smoking, provided that all of the following conditions are met:
  - (A) Air from the smoking room shall be exhausted directly to the outside by an exhaust fan. Air from the smoking room shall not be recirculated to other parts of the building.
  - (B) The employer shall comply with any ventilation standard or other standard utilizing appropriate technology, including, but not limited to, mechanical, electronic, and biotechnical systems, adopted by the Occupational Safety and Health Standards Board or the federal Environmental Protection Agency. If both adopt inconsistent standards, the ventilation standards of the Occupational Safety and Health Standards Board shall be no less stringent than the standards adopted by the federal Environmental Protection Agency.
  - (C) The smoking room shall be located in a non-work area where no one, as part of his or her work responsibilities, is required to enter. For purposes of this paragraph, “work responsibilities” does not include any custodial or maintenance work carried out in the breakroom when it is occupied.



- (D) There are sufficient nonsmoking breakrooms to accommodate nonsmokers.
- (14) Employers with a total of five or fewer employees, either full-time or part-time, may permit smoking where all of the following conditions are met:
  - (A) The smoking areas not accessible to minors.
  - (B) All employees who enter the smoking area consent to permit smoking. No one, as a part of his or her work responsibilities, shall required to work in an area where smoking is permitted. An employer who is determined by the division to have used coercion to obtain consent or has required an employee to work in a smoking area shall be subject to the penalty provisions of **Section** 6427.
  - (C) Air from the smoking area shall be exhausted directly to the outside by an exhaust fan. Air from the smoking area shall not be recirculated to other parts of the building.
  - (D) The employer shall comply with any ventilation standard or other standard utilizing appropriate technology, including, but not limited to, mechanical, electronic, and biotechnical systems, adopted by the Occupational Safety and Health Standards Board or the federal Environmental Protection Agency. If both adopt inconsistent standards, the ventilation standards of the Occupational Safety and Health Standards Board shall be no less stringent than the standards adopted by the federal Environmental Protection Agency.

This paragraph shall not be construed to (i) supersede or render inapplicable any condition or limitation on smoking areas made applicable to specific types of business establishments by any other paragraph of this subdivision or (ii) apply in lieu of any otherwise applicable paragraph of this subdivision that has become inoperative.

- (e) Paragraphs (13) and (14) of subdivision (d) shall not be construed to require employers to prove reasonable accommodation to smokers, or to provide breakrooms for smokers or nonsmokers.
- (f) (1) Except as otherwise provided in this subdivision, smoking may be permitted in gaming clubs, as defined in paragraph (7) of subdivision (d), and in bars and taverns, as defined in paragraph (8) of subdivision (d), until the earlier of the following:
  - (A) The date of adoption of a regulation (i) by the Occupational Safety and Health Standards Board reducing the permissible employee exposure level to environmental tobacco smoke to a level that will prevent anything other than insignificantly harmful effects to exposed employees or (ii) by the federal Environmental Protection Agency establishing a standard for reduction of permissible exposure to environmental tobacco smoke to an exposure level that prevent anything other than insignificantly harmful effects to exposed person.

- (2) If a regulation specified in subparagraph (B) of paragraph (1) is adopted on or before January 1, 1998, smoking may thereafter be permitted in gaming clubs and in bars and taverns, subject to full compliance with, or conformity to, the standard in the regulation within two years following the date of adoption of the regulation. An employer failing to achieve compliance with, or conformity to, the regulation within this two-year period shall prohibit smoking in the gaming club, bar, or tavern until compliance or conformity is achieved. If the Occupational Safety and Health Standards Board and the federal Environmental Protection Agency both adopt regulations specified in subparagraph (B) of paragraph (1) that are inconsistent, the regulations of the Occupational Safety Standards Board shall be no less stringent than the regulations of the federal Environmental Protection Agency.
- (3) If a regulation specified in subparagraph (B) of paragraph (1) is not adopted on or before January 1, 1998, the exemptions specified in paragraphs (7) and (8) of subdivision (d) shall be inoperative on and after January 1, 1998, until a regulation is adopted. Upon adoption of such a regulation on or after January 1, 1998, smoking may thereafter be permitted in gaming clubs and in bars and taverns, subject to full compliance with, or conformity to, the standard in the regulation within two years following the date of adoption of the regulation. An employer failing to achieve compliance with, or conformity to, the regulation within this two-year period shall prohibit smoking in the gaming club, the bar, or tavern until compliance or conformity is achieved. If the Occupational Safety and Health Standards Board and the federal Environmental Protection Agency both adopt regulation specified in subparagraph (B) of paragraph (1) that are inconsistent, the regulations of Occupational Safety and Health Standards Board shall be no less stringent than the regulations of the federal Environmental Protection Agency.
- (4) From January 1, 1997, to December 31, 1997, inclusive, smoking may be permitted in gaming clubs, as defined in paragraph (7) of subdivision (d), and in bars and taverns, as defined in paragraph (8) of subdivision (d), subject to both of the following conditions:
- (A) If practicable, the gaming club or bar or tavern shall establish a designated nonsmoking area.
  - (B) If feasible, no employee shall be required, in the performance of ordinary work responsibilities, to enter any area in which smoking is permitted.
- (g) The smoking prohibition set forth in this **section** shall constitute a uniform statewide standard for regulating the smoking of tobacco products in enclosed places of employment and shall supersede and render unnecessary the local enactment or enforcement of local ordinances regulating the smoking of tobacco products in enclosed places of employment. Insofar as the smoking prohibition set forth in this section is applicable to all (100 percent of) places of employment within this state and, therefore, provides the maximum degree of coverage, the practical effect of this **section** is to eliminate the need of local governments to enact enclosed workplace smoking restrictions within their respective jurisdictions.

- (h) Nothing in this section shall prohibit an employer from prohibiting smoking in an enclosed place of employment for any reason.
- (i) The enactment of local regulation of smoking of tobacco products in enclosed places of employment by local governments shall be suspended only for as long as, and to the extent that, the (100 percent) smoking prohibition provide for in this **section** remains in effect. In the event this **section** is repealed or modified by subsequent legislative or judicial action so that the (100 percent) smoking prohibition is no longer applicable to all enclosed places of employment in California, local governments shall have the full right and authority to enforce previously enacted, and to enact and enforce new, restrictions on the smoking of tobacco products in enclosed places of employment within their jurisdictions, including a complete prohibition of smoking. Notwithstanding any other provision of this **section**, any area not defined as a “place of employment” or in which the smoking is not regulated pursuant to subdivision (d) or (e), shall be subject to local regulation of smoking of tobacco products.
- (j) Any violation of the prohibition set forth in subdivision (b) is an infraction, punishable by a fine not to exceed one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation within one year, and five hundred dollars (\$500) for a third and for each subsequent violation within one year. This subdivision shall be enforced by local law enforcement agencies including, but not limited to, local health departments, as determined by local governing body.
- (k) Notwithstanding **Section** 6309, the division shall not be required to respond to any complaint regarding the smoking of tobacco products in an enclosed space at a place of employment, unless the employer has been found guilty pursuant to subdivision (j) of third violation of subdivision (b) within the previous year.
- (l) If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision of application, and to this end the provisions of this act are severable.

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**COPY OF PENAL CODE 308**


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**NOTICE**

**Unlawful to Sell To Person Under 18 Years of Age Tobacco, Cigarette or Cigarette Papers, or Any Preparation of Tobacco, or Any Other Instrument or Paraphernalia That is Designed for the Smoking or Ingestion of Tobacco, Products Prepared From Tobacco, or Any Controlled Substance**

**COPY OF ACT**

Penal Code Section 308. (a) Every person, firm or corporation which knowingly sells, gives, or in any way furnishes to another person who is under the age of 18 years any tobacco, or cigarette papers, or any preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance, is subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of two hundred dollars (\$200) for the first offense, five hundred dollars (\$500) for the second offense and one thousand dollars (\$1,000) for the third offense.

Notwithstanding Section 1464 or any other provision of law, 25 percent of each civil and criminal penalty collected pursuant to this subdivision shall be paid to the office of the city attorney, county counsel, or district attorney, whoever is responsible for bringing the successful action, and 25 percent of each civil and criminal penalty collected pursuant to this subdivision shall be paid to the city or county for the administration and cost of the community service work component provided in subdivision (b).

Proof that a defendant, or his or her employee or agent, demanded, was shown, and reasonably relied upon evidence of a majority shall be defense to any action brought pursuant to this subdivision. Evidence of majority of a person is a facsimile of or an reasonable likeness of a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

For purposes of this section, the person liable for selling or furnishing tobacco products to minors by a tobacco vending machine shall be the person authorizing the installation or placement of the tobacco vending machine upon premises he or she manages or otherwise controls and under circumstances in which he or she has knowledge, or should otherwise have grounds for knowledge, that the tobacco vending machine will be utilized by minors.

- (b) Every person under the age of 18 years who purchases, receives, or possesses any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking of tobacco, products prepared from tobacco, or any controlled substance shall, upon conviction, be punished by a fine of seventy-five dollars (\$75) or 30 hours of community service work.
- (c) Every person, firm or corporation which sells, or deals in tobacco or any preparation thereof, shall post conspicuously and keep so posted in his, her, or their place of business a copy of this act, and any such person failing to do so shall upon conviction be punished by a fine of ten dollars (\$10) for the first offense and fifty dollars (\$50) for each succeeding violation of this provision, or by imprisonment for not more that 30 days.

The Secretary of State is hereby authorized to have printed sufficient copies of this act to enable him or her to furnish dealers in tobacco with copies thereof upon their request for the same.

- (d) For purposes of determining the liability of person, firms, or corporation controlling franchises or business operation in multiple location for the second and subsequent violations of this section, each individual franchise or business location shall be deemed a separate entity.
- (e) It is the Legislature's intent to regulate the subject matter of this section. As a result, no city, county, or city and county shall adopt any ordinance or regulation inconsistent with this section.
- (f) Notwithstanding any other provision of this section, the Director of Corrections may sell or supply tobacco and tobacco products, including cigarettes and cigarette papers, to any person confined in any institution or facility under his, her, or its jurisdiction who has attained the age of 16 years, if the parent or guardian of the person consents thereto, and may permit smoking by any such person in any such institution or facility. No officer or employee of the Department of Corrections shall be considered to have violated this section by any act authorized by this subdivision.

### Travel Reimbursement Information Effective November 1, 1999

1. The following rate policy is to be applied for reimbursing the travel expenses of persons under contract.
  - a. Reimbursement shall be at the rates established for nonrepresented/excluded state employees.
  - b. Short Term Travel is defined as a 24-hour period, and less than 31 consecutive days, and is at least 50 miles from the main office, headquarters or primary residence. Starting time is whenever a contract employee leaves his or her home or headquarters. "Headquarters" is defined as the place where the contracted personnel spends the largest portion of their working time and returns to upon the completion of special assignments.
  - c. Contractors on travel status for more than one 24-hour period and less than 31 consecutive days may claim a fractional part of a period of more than 24 hours. Consult the chart appearing on page 2 of this exhibit to determine the reimbursement allowance. All lodging must be receipted. If contractor does not present receipts, lodging will not be reimbursed.

(1) Lodging (with receipts):

Travel Location / Area	Reimbursement Rate
Statewide Non-High Cost Area	\$ 84.00 plus tax
High Cost Areas including the following counties: Alameda, San Francisco, San Mateo, Santa Clara and Central and Western Los Angeles (L.A.). Central and Western L.A. is the territory bordered by Sunset Blvd. On the north, the Pacific Ocean on the West, Imperial Blvd./Freeway 105 on the South and Freeways 110, 10, and 101 on the East.  Central and Western L.A. includes downtown L.A., Englewood, L.A. International Airport, Playa del Rey, Venice, Santa Monica, Brentwood, West L.A., Westwood Village, Culver City, Beverly Hills, Century City, West Hollywood and Hollywood.	\$110.00 plus tax

Reimbursement for actual lodging expenses exceeding the above amounts may be allowed with the advance written approval of the Deputy Director of the Department of Health Service or his or her designee. Receipts are required.

- (2) Meal/Supplemental Expenses (with or without receipts): With receipts, the contractor will be reimbursed actual amounts spent up to the maximum.

Meal / Expense	Reimbursement Rate
Breakfast	\$ 6.00
Lunch	\$ 10.00
Dinner	\$ 18.00
Incidental	\$ 6.00

- d. Out-of-state travel may only be reimbursed if such travel has been stipulated in the contract and has been approved in advance by the program with which the contract is held. For out-of-state travel, contractors may be reimbursed actual lodging expenses, supported by a receipt, and may be reimbursed for meals and supplemental expenses for each 24-hour period computed at the rates listed in c. (2) above. For all out-of-state travel, contractors must have prior Departmental approval and a budgeted trip authority.
- e. In computing allowances for continuous periods of travel of less than 24 hours, consult the chart appearing on page 2 of this bulletin.
- f. No meal or lodging expenses will be reimbursed for any period of travel that occurs within normal working hours, unless expenses are incurred at least 50 miles from headquarters.

## APPENDIX C

2. If any of the reimbursement rates stated herein are changed by the Department of Personnel Administration, no formal contract amendment will be required to incorporate the new rates. However, DHS shall inform the contractor, in writing, of the revised travel reimbursement rates.
3. For transportation expenses, the contractor must retain receipts for parking; taxi, airline, bus, or rail tickets; car rental; or any other travel receipts pertaining to each trip for attachment to an invoice as substantiation for reimbursement. Reimbursement may be requested for commercial carrier fares; private car mileage; parking fees; bridge tolls; taxi, bus, or streetcar fares; and auto rental fees when substantiated by a receipt.
4. **Note on use of autos:** If a contractor uses his or her car for transportation, the rate of pay will be 31 cents maximum per mile. If the contractor is a person with a disability who must operate a motor vehicle on official state business and who can operate only specially equipped or modified vehicles may claim a rate of 31 cents per mile without certification and up to 37 cents per mile with certification. If a contractor uses his or her car "in lieu of" air fair, the air coach fair will be the maximum paid by the State. The contractor must provide a cost comparison upon request by the state. Gasoline and routine automobile repair expenses are not reimbursable.
5. The contractor is required to furnish details surrounding each period of travel. Travel detail may include, but not be limited to: purpose of travel, departure and return times, destination points, miles driven, mode of transportation, etc.
6. Contractors are to consult with the program with which the contract is held to obtain specific invoicing procedures.

### Travel Reimbursement Guide

Length of travel period	This condition exists...	Allowable Meal(s)
Less than 24 hours	Travel begins at 6:00 a.m. or earlier and continues until 9:00 a.m. or later.	Breakfast
Less than 24 hours	<ul style="list-style-type: none"> <li>Travel period ends at least one hour after the regularly scheduled workday ends, or</li> <li>Travel period begins prior to or at 5:00 p.m. and continues beyond 7:00 p.m.</li> </ul>	Dinner
24 hours	Travel period is a full 24-hour period determined by the time that the travel period begins and ends.	Breakfast, lunch, and dinner
Last fractional part of more than 24 hours	Travel period is more than 24 hours and traveler returns at or after 8:00 a.m.	Breakfast
	Travel period is more than 24 hours and traveler returns at or after 2:00 p.m.	Lunch
	Travel period is more than 24 hours and traveler returns at or after 7:00 p.m.	Dinner

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**COPYRIGHT AND OWNERSHIP OF MATERIALS**

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The following is the required copyright and ownership of materials language in the TCS grant:

- A. The State shall be the owner of all rights, title and interest in, not limited to the copyright to, any and all Works created, provided, or developed in part or in total under this grant, whether or not published or produced. For purposes of this paragraph, "Works" are all literary Works, writings and printed matter, including the medium by which it is recorded or reproduced, and photographs, art work, pictorial and graphic representations, motion pictures, other audiovisual products, digital recordings, tape recordings, educational materials, original computer software programs, data, and any other materials or products conceived, developed, or delivered as a result of this grant. The copyright to any and all Works created, provided, or developed under this grant, whether published or not published or produced, belongs to the State from the moment of creation.
- B. The State retains all rights to use, reproduce, distribute, or display any Works created, provided, or produced under this grant and any derivative works based on grant Works, as well as all other rights, privileges, and remedies granted or reserved to a copyright owner under statutory and common law copyright law.
- C. Grantee shall grant to the State, as permitted in California Civil Code, Section 982, ownership in any original work of authorship created, provided, or produced under this grant that is not fixed in any tangible medium of expression.
- D. If for any reason, the State is not deemed to be the owner of all rights, title and interest in the Works created, provided, developed, or produced under this grant, then Grantee, by entering into this grant, assigns all such rights to the State.
- E. For any product, data or material which is created, provided, developed, or produced under this grant which is not deemed a Work, the Grantee shall grant the State a royalty-free, non-exclusive, and irrevocable license throughout the world to reproduce, to produce derivative Works, to distribute copies, to perform, to display or otherwise use, duplicate, or dispose of such product, data or material in any manner for governmental purposes, and to have or permit others to do so.
- F. Subject to the terms, conditions, and limitations contained in this grant and subject to the performance of all terms and conditions stated in this grant, the State grants to the Grantee a non-exclusive license to use, duplicate, distribute, and permit others to use Works created, produced or developed under this grant for the purpose of carrying out the terms and conditions of this grant, consistent with any limitations set forth in this grant.
- G. For Works requiring the use of other copyright holders' materials, the Grantee shall furnish the names and addresses of all copyright holders or their agents, if any, and the terms of any licenses or usage granted, at the time of delivery of the Works. No materials of other copyright holders shall be used without prior written permission of the State and the holder of the copyright.

- H. At any time the Grantee enters into an agreement with another party in order to perform the work required under this grant, the Grantee shall require the agreement to include language granting the State a copyright interest in any Works created, provided, developed, or produced under the agreement and ownership of any Works not fixed in any tangible medium of expression. In addition, the Grantee shall require the other party to assign those rights to the State in a format prescribed by the State. For any Works for which the copyright is not granted to the State, the State shall retain a royalty-free, non-exclusive and irrevocable license throughout the world to reproduce, to prepare derivative Works, to distribute copies, to perform, to display, or otherwise use, duplicate or dispose of such Works in any manner for government purposes, and to have or permit others to do so.
- I. The Grantee represents and warrants that:
- 1) the Grantee is free to enter into and fully perform this agreement;
  - 2) the Grantee has secured or will secure all rights and licenses necessary for the creation, production, or development of the Works under this grant;
  - 3) neither the Works created, produced, or developed under this grant, the materials contained therein, nor the exercise by either the Grantee or the State of the rights described or granted in this grant, shall infringe upon or violate the rights or interests of any person or entity;
  - 4) neither the Works, nor any part of the Works, created, produced, or developed under this grant shall: a) violate the right of privacy of, or b) constitute a libel or slander against, or c) infringe upon the copyright, literary, dramatic, statutory or common law rights, trademarks or service marks of any person, firm, or corporation; and
  - 5) the Grantee has not granted and shall not grant to any person or entity any right that would or might derogate, encumber, or interfere with any of the rights granted to the State in this grant.
- J. All Works distributed under the terms of this grant and any reproductions of visual Works or text of such Works shall include a notice of copyright in a place that can be visually perceived either directly or with the aid of a machine or device. This notice shall be placed prominently on Works and set apart from other matter on the page or medium where it appears.
- K. The Grantee shall indemnify, defend and hold harmless the State and its licensees and assignees, and their officers, directors, employees, agents, representatives, successors, licensees and assignees from and against all claims, actions, damages, losses, costs and expenses, including reasonable attorneys' fees, which any of them may sustain because of the use, reproduction, distribution, display or transfer of the Works and any other materials furnished by Grantee under this grant, or because of the breach of any of the representations or warranties made in this grant award.



- L. If the use of any Work is enjoined as a result of any action or proceeding, the Grantee shall, at its own expense and at the option of the State:
- 1) procure for the State the right to continue to use said element, if the cost of said element does not exceed the reasonable cost anticipated under paragraph 16.L.2) or 16.L.3) below; or
  - 2) replace said element with a comparable element which is non-infringing or does not violate the rights or interest of any person or entity; or
  - 3) modify said element so it becomes non-infringing or does not violate the rights or interest of any person or entity.
- M. The State owns all materials developed, provided, and produced for the State under this grant. During the contracting phase of this process, the State shall negotiate with the Grantee to determine the number of camera-ready and completed versions of each deliverable the State will receive. It is anticipated that the State will use deliverables in future tobacco control programs.

### **Recommended Sampling Protocol for Enforcement of Penal Code Section 308(a)**

On a semi-annual basis, every grantee shall:

1. Visit any store that has received a complaint about selling tobacco to a minor.
2. Revisit any store that has previously sold tobacco within the past 12 months.
3. Visit the designated percent of stores according to the following Performance Range for estimated tobacco retailers.

Performance Range:

- <75 tobacco retailers: visit each store once per year
- 75 - 299 tobacco retailers: visit 50% of stores once per year
- $\geq$ 300 - 800 tobacco retailers: visit 20% of stores once per year.
- >800 tobacco retailers: visit 15% of stores once per year.

### **Recommended Sampling Protocol for Labor Code (LC) 6404.5**

1. Visit and cite 40-50% of bars that are out of compliance in the jurisdiction within the first six months of the grant term.
2. Visit and cite the remaining bars in the jurisdiction that are out of compliance during the second six months of the grant term.
3. Make follow-up visits and citations to bars that are out of compliance.
4. On a regular basis, not less than once a month, visit and cite bars that may be or are out of compliance for the grant term.
5. Follow general protocols when conducting compliance checks related to LC 6404.5, including the following:
  - Conduct bar check operations at optimal violation times such as after 7:00 p.m.
  - Conduct follow-up visits to bars where citations are issued during the first check.
  - Adequate documentation will be required for recording information during compliance check operations.

[illegible]

**BUDGET JUSTIFICATION SAMPLE  
JKL AGENCY  
OCTOBER 1, 2001 – JUNE 30, 2004**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
<b><u>A. PERSONNEL SALARIES</u></b>				
1. Senior Investigator	\$ 5,940	\$ 8,400	\$ 8,400	\$ 22,740
\$1,650-\$1,750 semi monthly- 20% x 24 pay periods/year				
Position has overall responsibility for the day-to-day operation of the program's enforcement program; will conduct LC 6404.5 site visits to local bars; will conduct PC 308(a) youth decoy enforcement operations; issue citations when violations are observed; file reports & citations with the District Atty's Office for possible prosecution. Oversees other tobacco enforcement staff and enforcement operations.				
2. Assistant Investigator	\$ 5,184	\$ 10,512	\$ 10,512	\$ 26,208
\$1,150-\$1,250 semi monthly– 25-35% x 24 pay periods/year				
Under the guidance of the Sr. Investigator, the position is responsible for tracking citizen complaints of smoking in bars and merchants selling tobacco products to youth; will conduct LC 6404.5 site visits to local bars; will conduct PC 308(a) youth decoy enforcement operations; issue citations when violations are observed; file reports & citations with the District Atty's Office for possible prosecution. Responsible for ensuring the program has appropriate number of youth needed for PC 308(a) activities.				
<b>Overtime</b>				
a. Sr. Investigator				
\$30-35/hr x 20 hrs/pp x 24 pp/yr	\$ 10,800	\$ 16,800	\$ 16,800	\$ 44,400
b. Assistant Investigator				
\$20-25/hr x 15 hrs/pp x 24 pp/yr	\$ 5,400	\$ 9,000	\$ 9,000	\$ 23,400

**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
<i>Note: Stipends may be budgeted in either the Personnel category or the Other Costs category, but not in both. Additionally, in this example for Stipends, the matching funds provided is on a 2-1 ratio in order to meet the overall 4-1 matching funds requirement.</i>				
<b>Stipends</b>				
\$6.25 per hour x 5 youth x 15 hrs/pp/youth x 12 pp/yr	\$ 5,625	\$ 5,625	\$ 5,625	\$ 16,875
Stipends will be used to reimburse youth decoys for the PC 308(a) enforcement activities				
<i>Total Personnel Costs</i>	\$ 32,949	\$ 50,337	\$ 50,337	\$ 133,623
<b>B. FRINGE BENEFITS</b>	<b>\$ 3,560</b>	<b>\$ 6,052</b>	<b>\$ 6,052</b>	<b>\$ 15,664</b>
At approximately 32% of Total Salaries (excluding Overtime/Stipend expenses). Fringe Benefits include: FICA, Unemployment & Disability Insurance, Workers Compensation, Health, Dental, Vision.				
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 36,509</b>	<b>\$ 56,389</b>	<b>\$ 56,389</b>	<b>\$ 149,287</b>
<b>C. OPERATING EXPENSES</b>				
1. General Expenses				
a. Office Supplies: Pens, pencils, paper, etc, at approx \$25 per month x 33 months = \$825.	\$ 225	\$ 300	\$ 300	\$ 825
b. Postage: Includes all mailing expenses, first class, overnight/express mail delivery, etc., at approx \$35 per month x 33 months = \$1,155.	\$ 315	\$ 420	\$ 420	\$ 1,155

**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
c. Duplicating: Includes in-house photocopying expenses, the tobacco enforcement program's share of the copy machine usage, including the copier maintenance agreement and copier supplies such as toner; approx \$20 per month x 33 months = \$660.	\$ 180	\$ 240	\$ 240	\$ 660
2. Communications: Includes the tobacco enforcement program's prorated share of the telephone and fax expenditures; at approx \$25 per month x 33 months = \$825.	\$ 225	\$ 300	\$ 300	\$ 825
3. Printing: Includes the cost of printing the tobacco enforcement program's citations, training guides, business cards, etc, done by an outside vendor; at approx \$15/mo x 33 months = \$495.	\$ 135	\$ 180	\$ 180	\$ 495
4. Space/Rent Lease  Includes 150 sq ft/FTE plus additional 100 sq ft common space. Year 1: 1.5% FTE Staff: 325 sq ft x \$1.25/sq ft x 9 mo = \$3,657 Year 2: 1.5% FTE Staff: 325 sq ft x \$1.35/sq ft x 12 mo = \$5,266 Year 3: 1.5% FTE Staff: 325 sq ft x \$1.45/sq ft x 12 mo = <u>\$5,656</u> \$14,579	\$ 3,657	\$ 5,266	\$ 5,656	\$ 14,579

**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
5. Equipment Rental 1 copier @ \$25/mo x 33 months = \$825 1 postage meter @ \$5/mo x 33 months = <u>\$165</u> \$990	\$ 270	\$ 360	\$ 360	\$ 990
6. Audit Expenses The annual agency audit estimated cost is \$50,000. The prorated share applicable to the tobacco enforcement program is 1.25% or \$625. The agency's operates on a July-June fiscal year. \$625 x 3 years = \$1,875.	\$ 625	\$ 625	\$ 625	\$ 1,875
7. Buy Money: Approx. \$200/yr is needed to purchase cigarettes & small items, such as gum, sodas during youth decoy enforcement activities for PC 308(a). \$200 x 3 years = \$600.	\$ 200	\$ 200	\$ 200	\$ 600
8. Agency Vehicle Use: \$75/mo for fleet service expenses. \$75 is the prorated share for the tobacco enforcement program for 1 vehicle. \$75/mo x 33 months = \$2,475.	\$ 675	\$ 900	\$ 900	\$ 2,475
<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 6,372</b>	<b>\$ 8,611</b>	<b>\$ 9,001</b>	<b>\$ 23,984</b>

**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
<b>D. EQUIPMENT EXPENSES</b>				
2 mobile radios @ \$85/ea = \$170				
1 video tape recorder @ <u>\$800</u> \$970	\$ 970	\$ 0	\$ 0	\$ 970
The above equipment is necessary for use in the PC 308(a) youth decoy operations.				
<b>TOTAL EQUIPMENT EXPENSES</b>	<b>\$ 970</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 970</b>
<b>E. TRAVEL/PER DIEM &amp; TRAINING</b>				
1. Agency Required Travel:	\$ 200	\$ 200	\$ 200	\$ 600
\$200/yr is needed to cover mileage expenses staff incur when using their personal vehicle to attend professional development trainings, travel to youth decoy trainings, POST trainings, etc. Reimbursement will be at \$.31 per mile.				
2. Agency Required Training:	\$ 350	\$ 350	\$ 350	\$ 1,050
\$350/yr is needed to cover registration fees for professional development trainings that are required for enforcement staff to maintain their employment status				
\$350 x 3 years = \$1,050				



**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
<b>3. CDHS/TCS-Required Travel &amp; Training Conferences</b>				
a. New Grantee Orientation:	\$ 750	\$ 0	\$ 0	\$ 750
\$250/person (\$125 for travel/per diem & \$125 for registration) x 3 staff (2 enforcement and 1 fiscal)				
b. Project Director's Meeting:	\$ 2,400	\$ 0	\$ 2,400	\$ 4,800
\$1,200/person (\$1,000 for travel/per diem and \$200 for registration) x 2 staff				
c. Tobacco Control Law Enforcement Trainings:	\$ 750	\$ 750	\$ 750	\$ 2,250
\$375 (\$250 for travel/per diem & \$125 for registration) is budgeted for 1 staff person to attend 2 tobacco control enforcement training per year.				
d. Additional CDHS/TCS-Required Trainings/Conferences:				
\$375 (\$250 for travel/per diem & \$125 for registration) per person for 1-2 staff to attend 3-5 additional required trainings per year.	\$ 3,750	\$ 3,750	\$ 3,750	\$ 11,250
<b>TOTAL TRAVEL/PER DIEM &amp; TRAINING</b>	<b>\$ 8,200</b>	<b>\$ 5,050</b>	<b>\$ 7,450</b>	<b>\$ 20,700</b>
<b>F. SUBCONTRACTS &amp; CONSULTANTS</b>				
1. XYZ Subcontracted Agency	\$ 567	\$ 750	\$ 0	\$ 1,317
\$750 is needed for the first and second year to subcontract with an agency who will assist in the recruitment of youth needed for the PC308(a) enforcement activities.				
2. Jane Doe Consultant	\$ 117	\$ 150	\$ 0	\$ 267
\$150 for the first and second year is needed to subcontract with a consultant who will assist in the training of youth decoys for the PC 308(a) enforcement trainings.				
<b>TOTAL SUBCONTRACTS &amp; CONSULTANTS</b>	<b>\$ 684</b>	<b>\$ 900</b>	<b>\$ 0</b>	<b>\$ 1,584</b>

**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
<i>G. OTHER COSTS</i>				
1. Educational Materials Approx. \$250/year is needed to purchase items such as brochures, videos, training guides, etc. to be used to train youth on PC308(a) enforcement protocol and adult volunteers on LC 6404.5 enforcement protocol. \$250/year x 3 years = \$750	\$ 250	\$ 250	\$ 250	\$ 750
2. Promotional Items/Incentives				
a. Promotional Items: Approx. \$500 per year is needed to purchase promotional items such as baseball caps, t-shirts, pencils, etc. to be distributed to community members at public events in order to generate visibility and support for the tobacco enforcement program.  \$500/year x 3 years = \$1,500.	\$ 500	\$ 500	\$ 500	\$ 1,500
b. Incentives ( <i>NTE \$50/person/yr</i> ): Incentives will be provided to youth and adult volunteers who recruit additional youth and adults to participate in the PC 308(a) and LC 6404.5 enforcement program.  \$30/person x 8 youth & 5 adults per year x 3 years = \$1,170	\$ 390	\$ 390	\$ 390	\$ 1,170

**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
<b>3. Media, Public Relations, Advertising</b> Approx \$300 per year is needed to place advertisements in local newspapers, notifying the community that ABC Agency has received funding for enforcement activities, to recruit youth and adults, and announce the results of the enforcement activities.  \$300/year x 3 years = \$900	\$ 300	\$ 300	\$ 300	\$ 900
<b>4. Additional Expenses</b>				
<b>a. Stipends</b> <i>(Note: Stipends may be budgeted in either the Personnel category or the Other Costs category, but not in both. For a sample Stipend budget, see the Personnel category.)</i>				
<b>b. Youth Per Diem:</b> Approx. \$20/day x 2 days/mo x 6 mos x 12 youth = \$2,880/yr is needed to provide per diem expenses for youth during extended PC 308(a) enforcement activities.	\$ 2,880	\$ 2,880	\$ 2,880	\$ 2,880
<b>c. Facility Fees</b> Approx \$300/yr is needed to rent meeting space for the youth protocol trainings for the youth involved in PC 308(a) enforcement activities.  \$300/yr x 3 years = \$900	\$ 300	\$ 300	\$ 300	\$ 900
<b>6. TOTAL OTHER COSTS</b>	<b>\$ 4,620</b>	<b>\$ 4,620</b>	<b>\$ 4,620</b>	<b>\$ 13,860</b>

**APPENDIX G**

	<b>FY</b>	<b>FY</b>	<b>FY</b>	<b>Total</b>
	<b>10/01-6/02</b>	<b>7/02-6/03</b>	<b>7/03-6/04</b>	<b>Amount</b>
	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>	<b>Requested</b>
<b><i>H. INDIRECT EXPENSES</i></b>	<b>\$ 9,128</b>	<b>\$ 14,098</b>	<b>\$ 14,098</b>	<b>\$ 37,324</b>
Indirect Expenses include administrative expenses such as personnel, accounting/payroll services, auditing expenses, utilities, building maintenance.  The agency's documented Indirect rate is 25% of Total Personnel Costs.				
<b><i>I. TOTAL EXPENSES</i></b>	<b>\$ 66,618</b>	<b>\$ 89,848</b>	<b>\$ 91,738</b>	<b>\$ 248,204</b>